

National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies

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1. Summary

FRANET contractors are requested to highlight in 1 page **maximum** the key developments in the area of surveillance by intelligence services in their Member State. This introductory summary should enable the reader to have a snapshot of the evolution during the reporting period (mid-2016 until third quarter of 2022). It should mention:

*the most significant legislative reform/s that took place or are taking place and highlight the key aspect/s of the reform, focusing on oversight and remedies.
relevant oversight bodies' (expert bodies (including non-judicial bodies, where relevant), data protection authorities, parliamentary commissions) reports/statements about the national legal framework in the area of surveillance by intelligence services.*

List of the different relevant reports produced in the context of FRA's surveillance project to be taken into account

FRA 2017 Report:

Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU - Volume II: field perspectives and legal update

FRANET data collection for the FRA 2017 Report:

Country studies for the project on National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies - Legal update

Country studies for the project on National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies - Monthly data collection on the current reform of intelligence legislation (BE, FI, FR, DE, NL and SE)

FRA 2015 Report:

Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU – mapping Member States' legal framework

FRANET data collection for the FRA 2015 Report:

Country studies for the project on National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies

Legal changes in the reporting period focusing on oversight and remedies

In **Hungary**, the most important instrument of the legal framework providing for lawful surveillance, including supervision, is the **National Security Services Act**.¹ In the reporting period, this Act was amended 26 times, virtually touching upon all parts of the law. Changes included a 2020 amendment that allows the Special Service for National Security (*Nemzetbiztonsági Szakszolgálat*, NBSZ), the body in charge of executing secret surveillance activities, to access telecommunication metadata without external authorisation.² No substantive change has occurred in the rules on oversight and remedies. Many of the changes relate to the internal security screening of public officials and state employees, including those employed by the agencies themselves.³ While the changes also touched upon rules on

¹ Hungary, [Act 125 of 1995 on National Security Services](#) (1995. évi CXXV. törvény a nemzetbiztonsági szolgálatokról), hereinafter **National Security Services Act**.

² Hungary, [National Security Services Act](#), Art. 54-1j. The amendment was criticised by the National Authority for Data Protection and Freedom of Information (NAIH). See NAIH (2020), [Letter to State Secretary László Felkai](#), NAIH/2020/3384/2, 16 April 2020, p. 1.

³ See Hungary, [National Security Services Act](#), Arts. 9/A-D, and related amendments introduced by [Act 4 of 2022 amending certain Acts related to Act II of 2022 on the list of Ministries of Hungary](#) (2022. évi IV. törvény egyes

secret surveillance,⁴ they did not substantively affect the legal framework for the use of spyware, crucially still allowing executive decisions without control external to the executive. The control by the minister of justice required by the law, while being external to the other authorising ministries, remains within the government and is thus not external to the executive.⁵

The legislative amendments did not alter the **institutional framework and basic functioning of surveillance** in Hungary. Civilian services are still the Information Office (*Információs Hivatal*, IH) and the Constitution Protection Office (*Alkotmányvédelmi Hivatal*, AH). In the military field, the Military National Security Service (*Katonai Nemzetbiztonsági Szolgálat*, KNBSZ) has exclusive competence, and technically more complex operations, including digital surveillance activities are carried out, at the initiative of the other agencies (IH, AH, KNBSZ), by the Special Service for National Security (*Nemzetbiztonsági Szakszolgálat*, NBSZ).

In 2022, a new entity was added to the list of national security agencies, the National Information Centre (*Nemzeti Információs Központ*, NIK), extending the powers and replacing the Counter-Terrorism Information and Criminal Analysis Centre (*Terrorelhárítási Információs és Bűnügyi Elemző Központ*, TIBEK)⁶. NIK as a national fusion centre is tasked with providing full and comprehensive information to the government relying on information provided by national security services (AH, IH, KNBSZ) and law enforcement agencies (Police, Counter Terrorism Centre, National Protective Service, National Directorate-General for Aliens Policing, National Tax and Customs Administration, Hungarian Prison Service, Directorate-General for National Disaster Management) in order to support strategic decision-making processes on security, national security, criminal and terrorist threat related issues.⁷ Crucially, it can collect information on its own initiative, becoming a centralised agency with wide powers in the examination of the security and crime situation in Hungary, under the direction of the head of the cabinet of the Prime Minister.⁸ However, the NIK, with the exception of internal security screening of its own staff, cannot engage in secret surveillance.⁹

The police body that also carries out secret surveillance under the Police Act remains the Counter Terrorism Centre (*Terrorelhárítási Központ*, TEK).¹⁰

Where the National Security Services Act requires **external oversight**, this can be provided by:

- the executive: the minister of justice

törvényeknek a Magyarország minisztériumainak felsorolásáról szóló 2022. évi II. törvényhez kapcsolódó módosításáról).

⁴ Most importantly Art. 56 of the National Security Services Act, see amendments by: Art. 23 of Act 93 of 2017; and Art. 28 of Act 31 of 2020. The amendments were aimed partly at harmonising secret surveillance rules (e.g. with criminal procedural rules), partly at providing more detailed definitions of the scope of secret surveillance (e.g. specifying that they can happen ‘in secret’ or that security services cannot only engage in surveillance but can also interfere with IT systems to address cyber threats).

⁵ See the unamended Art. 58(1)-(2) of the National Security Services Act.

⁶ Hungary, [Act 4 of 2022](#), Art. 26. The Act entered into force on 25 May 2022.

⁷ See, Hungary, [National Security Services Act](#), Art. 8/A, introduced by Art. 16 of [Act LXIX of 2016 amending certain laws related to counter terrorism](#) (2016. évi LXIX. törvény a terrorizmus elleni fellépéssel összefüggő egyes törvények módosításáról), entered into force on 17 July 2016; and amended by [Act IV of 2022](#).

⁸ [See](#) Government Decree 182/2022 of 24 May 2022 on the duties and powers of the members of the Government (182/2022. (V. 24.) Korm. rendelet a Kormány tagjainak feladat- és hatásköréről), Art. 9(1) point 14.

⁹ Hungary, [National Security Services Act](#), Art. 53(1) and (1a).

¹⁰ Hungary, [Act 34 of 1994 on Police](#) (1994. évi XXXIV. törvény a Rendőrségről); [Government Decree 295/2010 of 22 December 2010 designating a counter-terrorism body and laying down detailed rules for the performance of its tasks](#) (295/2010. (XII. 22.) Korm. rendelet a terrorizmust elhárító szerv kijelöléséről és feladatai ellátásának részletes szabályairól).

- DPA (“autonomous state administration organ”¹¹): the National Authority for Data Protection and Freedom of Information (*Nemzeti Adatvédelmi és Információszabadság Hatóság, NAIH*),
- the legislative: the Parliamentary Committee on National Security (*Parlament Nemzetbiztonsági Bizottsága*), and
- the judiciary: the Budapest-Capital Regional Court (*Fővárosi Törvényszék*).

The legal framework for scrutiny by the NAIH¹² has been reformed in the studied period, most importantly to assure compliance with data protection reform at the EU level.¹³ The amendments were primarily aimed at harmonising Hungarian law, both substantive and procedural rules, with the General Data Protection Regulation (GDPR).¹⁴ While this did not require fundamental changes on the oversight of secret surveillance, the NAIH relied on one particular change in reviewing Pegasus-related allegation, namely that the NAIH can now start investigations on its own initiative (*ex officio*).¹⁵

Under the National Security Service Act, the Budapest-Capital Regional Court has exclusive competence in three areas:

- authorising secret surveillance in cases outside of the competence of the executive (e.g. related to selected crimes, to unlawful changes of political order, to the security of the country, to trafficking in arms and drugs);¹⁶
- considering appeals against decisions of the Parliamentary Committee regarding decisions by the minister on national security background checks;¹⁷
- considering appeals against decisions made by the head of the Special Service for National Security, on complaints against use of force (including the application of handcuffs and use of weapon).¹⁸

A separate framework deals with surveillance as part of criminal investigations. A new Act on Criminal Procedure was adopted in 2017¹⁹ that recodified surveillance activities carried out as part of investigations, bringing a more integrated legal framework, centralising oversight powers and

¹¹ The president of the Authority is nominated by the Prime Minister and appointed by the President of the Republic, see Art. 40(1) here: Hungary, [Act 112 of 2011 on the right to informational self-determination and information freedom](#) (2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról). The term cited above is the terminology used by this law, see its Art. 38(1).

¹² Hungary, [Act 112 of 2011 on the right to informational self-determination and information freedom](#) (2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról).

¹³ Hungary, [Act 38 of 2018 amending Act 112 of 2011 on the right to informational self-determination and information freedom and other acts in accordance with the data protection reform of the European Union](#) (2018. évi XXXVIII. törvény az információs önrendelkezési jogról és az információszabadságról szóló 2011. évi CXII. törvénynek az Európai Unió adatvédelmi reformjával összefüggő módosításáról, valamint más kapcsolódó törvények módosításáról).

¹⁴ Hungary, Act 13 of 2018 and Act 38 of 2018.

¹⁵ Hungary, [Act 112 of 2011 on the right to informational self-determination and information freedom](#), Art. 51/A, amendment entered into force on 26 July 2018, introduced by [Amending Act 38 of 2018](#), Art. 20.

¹⁶ Hungary, [National Security Services Act](#), Art. 58(1).

¹⁷ Hungary, [National Security Services Act](#), Art. 72/D(10).

¹⁸ Hungary, [National Security Services Act](#), Art. 37(6).

¹⁹ Hungary, [Act 90 of 2017 on Criminal Procedure](#) (2017. évi XC. törvény a büntetőeljárásról).

designating the prosecution for this task.²⁰ Amendments related to the criminal law reform were introduced in all relevant laws, including the Police Act and the Act on National Security.²¹

In the reporting period, the European Court of Human Rights (ECtHR) has also examined the Hungarian secret surveillance framework and found it to be incompatible with European standards for lack of effective remedies. The 2016 judgment in *Szabó and Vissy v. Hungary*,²² concluding that the Hungarian legal framework is in violation of the European Convention on Human Rights, would have warranted legislative reform. The findings of the ECtHR in this case were most recently reiterated in *Hüttl v. Hungary*,²³ a case of a rights defender lawyer whose phone was likely tapped when talking to an MEP. On 29 September 2022, the ECtHR found a violation of Article 8 in this latter case.²⁴ Furthermore, the ECtHR specifically concluded that the limited nature of the powers of NAIH means that related remedies cannot be effective.²⁵ Following the judgment in *Szabó and Vissy v. Hungary*, in 2017 the Ministry of Interior drafted a reform proposal, and made it public.²⁶ NGOs have criticised this proposal and academics have also commented on it.²⁷ The Government ultimately did not introduce the proposal

²⁰ For commentary, see Tóth, M. (2018), [Some Remarks on the New Act on Criminal Procedure](#) (*Néhány megjegyzés az új büntetőeljárási törvényhez*), *Review of Internal Affairs (Belügyi Szemle)* 2018/3, pp. 55–71; Nyeste, P. (2017), [The Efficiency of Covert Methods](#) (*A leplezett eszközök hatékonysága*), in *From Saint Ladislas to Modern Hungarian Law Enforcement Research (Szent Lászlótól a modernkori magyar rendészettudományig)*, ed. Gaál, Gy., Magyar Hadtudományi Társaság Határőr Szakosztály Pécsi Szakcsoport, Pécs, 2017, pp. 155–161; Steiner, G. (2022), [Problems of Legal Interpretation Encountered with the Collection of Secret Information and the Use of the Results of the Application of Covert Devices – In the Light of Case Law](#) (*A titkos információgyűjtés, valamint a leplezett eszközök alkalmazása eredményének felhasználása kapcsán felmerülő jogértelmezési problémák – a bírói gyakorlat tükrében*), *Hungarian Law Enforcement (Magyar Rendészet)*, 2022/1, pp. 79–94; Bárándy, G., Enyedi, K. (2017), [Covert methods and secret information gathering, or on the margins of the new Criminal Procedure Act](#) (*Leplezett eszközök és titkos információgyűjtés, avagy az új büntetőeljárási törvény margójára*), *Criminal Law Review (Büntetőjogi Szemle)*, 2017/3, pp. 97–104.

²¹ See the unified amending law: Hungary, [Act 93 of 2017 amending the rules on the collection of secret information in connection with the new Criminal Procedure Act and the provisions on the order of satisfaction of civil law claims awarded to victims in the course of judicial enforcement](#) (2017. évi XCIII. törvény a titkos információgyűjtés szabályainak az új büntetőeljárási törvénnyel összefüggő, továbbá a bírósági végrehajtás során a sértettnek megítélt polgári jogi követelések kielégítési sorrendjére vonatkozó rendelkezések módosításáról), amending [Act 34 of 1994 on the Police](#) (1994. évi XXXIV. törvény a Rendőrségről), [Act 163 of 2011 on Prosecution Service](#) (2011. évi CLXIII. törvény az ügyészségről), [Act 122 of 2010 on National Tax and Customs Authority](#) (2010. évi CXXII. törvény a Nemzeti Adó- és Vámhivatalról), [Act 53 of 1994 on judicial enforcement](#) (1994. évi LIII. törvény a bírósági végrehajtásról), [Act 125 of 1994 on National Security Services](#) (1995. évi CXXV. törvény a nemzetbiztonsági szolgálatokról), [Act 54 of 2002 on international law enforcement cooperation](#) (2002. évi LIV. törvény a bűnüldöző szervek nemzetközi együttműködéséről).

²² ECtHR, [Szabó and Vissy v. Hungary](#), No. 37138/14, 12 January 2016 (Final on 6 June 2016).

²³ ECtHR, [Hüttl v. Hungary](#), No. 58032/16, 29 September 2022.

²⁴ ECtHR, [Hüttl v. Hungary](#), No. 58032/16, 29 September 2022.

²⁵ ECtHR, [Hüttl v. Hungary](#), No. 58032/16, 29 September 2022, para. 18: “Because of the limited power conferred on the DPA and the resultant absence of an external, independent scrutiny in such matters, the Court is not convinced that the additional safeguard suggested by the Government is capable of rendering the relevant Hungarian legislation ‘sufficiently precise, effective and comprehensive on the ordering, execution and potential redressing of such measures’”.

²⁶ Ministry of Interior (2017), [Annex 1 to BM/8652/2017: Act of 2017 ... amending Act CXXV of 1995 on National Security Services and Act CXII of 2011 on the Right to Information Self-Determination and Freedom of Information on the Collection of Classified Information and National Security Control](#) (1. melléklet a BM/8652/2017. számú előterjesztéshez: 2017. évi törvény a nemzetbiztonsági szolgálatokról szóló 1995. évi CXXV. törvénynek és az információs önrendelkezési jogról és az információszabadságról szóló 2011. évi CXII. törvénynek a titkos információgyűjtéssel, valamint a nemzetbiztonsági ellenőrzéssel kapcsolatos módosításáról). The proposal specifically refers the ECtHR judgment and the resulting need for reform on p. 10.

²⁷ For the argument that the proposal does not fulfil ECHR standards, see criticism from the applicants in the underlying ECtHR case: Hungarian Civil Liberties Union (2017), [Opinion on the proposal of the Ministry of the Interior on the amendment of the Law on National Security Services and the Law on Information Law](#), BM

as a bill. In 2018, opposition MPs introduced a related bill that included amendments from the Government's proposal; however, this was not adopted either.²⁸ The Government continues to question the conclusions of the ECtHR on incompatibility with the Convention.²⁹ In the 2022 Rule of Law Report, the European Commission noted the non-execution of the ECtHR judgment in *Szabó and Vissy v. Hungary*, finding that the “absence of guarantees, including effective judicial oversight, in case of secret surveillance of lawyers on grounds of national security, raises serious concerns because it weakens their independence, undermining the confidentiality of client-lawyer communication”.³⁰

Pegasus-related developments

The European Commission reported that in **Hungary** allegations surfaced indicating that “at least ten Hungarian lawyers, including the President of the Hungarian Bar Association, and at least five Hungarian journalists, had been targeted by the Pegasus spyware”.³¹ Investigative journalism reports alleged that the list of those targeted by the spyware included opposition politicians and government officials and altogether 300 Hungarian phone numbers were leaked.³² On 9 August 2021, the NAIH initiated an ex officio investigation on the use of Pegasus spyware in Hungary, as media information indicated a possible violation of data protection laws³³. The resulting report shows a very formalistic assessment concluding that during “the Authority’s investigation, no information was found that the bodies authorised to covertly gather information subject to external authorisation [...] would have used the spyware for any purpose other than those specified by the manufacturer (prevention and detection of criminal acts and acts of terrorism), and the discharge of the duties specified by law.”³⁴ Based on a

[/8652/2017 \(Vélemény a Belügyminisztérium nemzetbiztonsági szolgálatokról szóló törvény és az információs jogi törvény módosításával kapcsolatos, BM /8652/2017. számú előterjesztéséről\)](#), 24 August 2017; and similar criticism by another watchdog organisation: EKINT (2017), [EKINT’s position on the draft law on the independent review of the collection of classified information for national security purposes \(Az EKINT álláspontja a nemzetbiztonsági célú titkos információgyűjtés független felülvizsgálatáról szóló törvénytervezetről\)](#). For a contrary conclusion from academic commentary, see Zakariás, K. (2018), The Protection of “the Untouchable Space of the Private Sphere” During Secret Intelligence Gathering (*A „magánszféra alakítása érinthetetlen területének” védelme a titkos információgyűjtés során*), *Acta Humana* 2018/1, pp. 123–139.

²⁸ Hungary, Bill no. [T/19822](#), Amending Act 125 of 1995 on National Security Services and Act 36 of 2012 on the National Assembly with regard to the strengthening of control over national security services, secret information gathering and national security control (*A nemzetbiztonsági szolgálatokról szóló 1995. évi CXXV. törvénynek és az Országgyűlésről szóló 2012. évi XXXVI. törvénynek a nemzetbiztonsági szolgálatok feletti ellenőrzés megerősítésével, valamint a titkos információgyűjtéssel és a nemzetbiztonsági ellenőrzéssel kapcsolatos módosításáról*), 16 February 2018. Further information on the Bill is available in the [Parliamentary Information System](#).

²⁹ See e.g. the Government’s opinion cited in the information note of the Parliament’s Information Service: Samu Nagy, D. (2018), [Secret collection of information \(Titkos információgyűjtés\)](#), *Infójegyzet (Infonote)*, 2018/3, 14 February 2018, p. 4; and in ECtHR, [Hüttl v. Hungary](#), No. 58032/16, 29 September 2022, para. 14.

³⁰ European Commission (2022), [2022 Rule of Law Report Country Chapter on the rule of law situation in Hungary](#), SWD(2022) 517 final, 13 July 2022, pp. 26–27.

³¹ European Commission (2022), [2022 Rule of Law Report Country Chapter on the rule of law situation in Hungary](#), SWD(2022) 517 final, 13 July 2022, p. 26.

³² See the list in European Parliament (2022), [Policy Department for Citizens’ Rights and Constitutional Affairs \(2022\), Pegasus and surveillance spyware](#), PE 732.268, May 2022, pp. 7–8.

³³ Case No. NAIH-423-2/2022,

³⁴ NAIH (2022), [Findings of the investigation of the Nemzeti Adatvédelmi és Információszabadság Hatóság \(Hungarian National Authority for Data Protection and Freedom of Information\) launched ex officio concerning the application of the “Pegasus” spyware in Hungary](#), 31 January 2022, p. 49. Three points from the report of NAIH merit special mention: (1) While the law specifically requires authorisation by the minister of justice, the minister herself made it clear in public comments that she delegated these decisions to her deputy at that time. The only way the Authority’s report could avoid the conclusion that this made all resulting surveillance unlawful was by claiming that this aspect should be checked by the Parliamentary Committee on National Security and that the Authority will not consider this issue (p. 23). (2) The report claims that the Authority is a body “independent of the executive power”, meeting „the criterion detailed in the decision of the Constitutional Court” (pp. 14–15),

complaint, the prosecution also initiated an investigation related to the alleged illegal monitoring of Hungarian journalists and opposition public figures using the Pegasus spyware program, but closed their investigation with the conclusion that no information was found substantiating that unauthorised surveillance took place.³⁵ The fact that no data could be found in the public domain during the research nor were any specificities provided by official sources, including the NAIH and the Prosecution Services, that would demonstrate in a transparent manner that the documented allegations were met with investigations call into question whether the Hungarian legal framework provides adequate guarantees that would limit the scope of secret surveillance.³⁶ The findings of the parliamentary committee with supervisory powers was classified until 2050.³⁷ In this context, it is underlined that the Head of the Defence Committee confirmed the use of Pegasus,³⁸ the lawfulness of which was repeated by various other officials,³⁹ as well as the NAIH⁴⁰ and the Prosecution Services.⁴¹ The NGO Hungarian Civil Liberties Union, considering that domestic guarantees are inadequate, seeks European remedies and initiated actions before the European Commission and the European Court of Human Rights.⁴²

2. Annexes- Table and Figures

2.1. Overview of security and intelligence services in the EU-27

FRANET contractors are requested to check the accuracy of the table below (see Annex pp. 93 - 95 of the FRA 2015 report) and correct or add in track changes any missing information concerning security and intelligence services in their Member State (incl. translation and abbreviation in the original

while it did not follow up on the problem that “the reporting obligation of the minister to the National Security Committee of the Parliament and the limited investigative powers of the Ombudsman could not be regarded as sufficient guarantees” under the European Convention on Human Rights as interpreted in the *Szabó and Vissy v. Hungary* judgment. As mentioned above, the *Hüttl v. Hungary* judgment also concluded that the limited nature of the powers of the Authority means that related remedies cannot be effective. (3) In contrast to its formalistic inquiry into the actions of the executive, the Authority took a more active stance against those implicated in the leaks that led to the public allegations and the investigation: the Authority initiated criminal proceedings concerning the list of allegedly targeted phone numbers and personal data, including Direkt36 journalists (the investigative journal involved from Hungary) and Amnesty International (pp. 53–54).

³⁵ Prosecution Service of Hungary (2022), [No unauthorised surveillance carried out in the so-called Pegasus case – Press release of the Central Investigating Prosecutor’s Office \(Nem történt jogosulatlan megfigyelés az un. Pegasus ügyben – a Központi Nyomozó Főügyészség sajtóközleménye\)](#), 15 June 2022.

³⁶ See expert opinion in Hungarian Helsinki Committee (2022), [Márta Pardavi gives expert testimony for US House of Foreign Affairs Committee members briefing](#), 17 November 2022: “But even invasive cases of surveillance often do not formally breach the law and cannot be effectively challenged in court.”. See also Hungarian Civil Liberties Union (2021), [Unlawful surveillance is also legal in Hungary \(Magyarországon a jogsértő megfigyelés is törvényes\)](#), 19 July 2021.

³⁷ DW (2021), [Hungary admits to using Pegasus spyware](#), 4 November 2021.

³⁸ Fidesz MP Kósa acknowledged the use of Pegasus in his response to a journalist that did not seem deliberate, see RTL (2021), [The Ministry of Interior has purchased Pegasus software \(Kósa: A Belügyminisztérium vásárolta meg a Pegasus-szoftvert\)](#), 4 November 2021; DW (2021), [Hungary admits to using Pegasus spyware](#), 4 November 2021.

³⁹ For an early summary of government statements, see Keller-Alánt, Á. (2021), The Pegasus affair: the government does not deny, only deflects responsibility (*Pegasus-ügy: a kormány nem tagad, csak felelősséget hárít*), Szabad Európa (RFE/RL), 21 July 2021.

⁴⁰ NAIH (2022), [Findings of the investigation of the Nemzeti Adatvédelmi és Információszabadság Hatóság \(Hungarian National Authority for Data Protection and Freedom of Information\) launched ex officio concerning the application of the “Pegasus” spyware in Hungary](#), 31 January 2022.

⁴¹ Prosecution Service of Hungary (2022), [No unauthorised surveillance carried out in the so-called Pegasus case – Press release of the Central Investigating Prosecutor’s Office \(Nem történt jogosulatlan megfigyelés az un. Pegasus ügyben – a Központi Nyomozó Főügyészség sajtóközleménye\)](#), 15 June 2022.

⁴² Hungarian Civil Liberties Union (2022), [Pegasus case: HCLU takes coordinated domestic and foreign legal action](#), 27 January 2022.

language). Please provide the full reference in a footnote to the relevant national law substantiating all the corrections and/or additions made in the table.

The information concerning Hungary in the table below is accurate (with some modifications regarding the abbreviations of some of the services' names in Hungarian).

| | Civil (internal) | Civil (external) | Civil (internal and external) | Military |
|-----------|--|---|-------------------------------|--|
| HU | Constitution Protection Office/ <i>Alkotmányvédelmi Hivatal</i> (AH) Special Service for National Security/ <i>Nemzetbiztonsági Szakszolgálat</i> (NBSZ) Counter Terrorism Centre/ <i>Terrorelhárítási Központ</i> (TEK) (service belonging to the police) | Information Office / <i>Információs Hivatal</i> (IH) | | Military National Security Service/ <i>Katonai Nemzetbiztonsági Szolgálat</i> (KNBSZ) |

2.2. EU Member States' legal framework on surveillance reformed since 2017

In order to update the map below (Figure 1 (p. 20) of the FRA 2017 report), FRANET contractors are requested to state:

1. Whether their legal framework on surveillance has been reformed or is in the process of being reformed since **mid-2017** – see the Index of the FRA 2017 report, pp. 148 - 151. Please do not to describe this new legislation but only provide a full reference.
2. whether the reform was initiated in the context of the PEGASUS revelations.

In **Hungary**, the legal framework on surveillance was amended more than 20 times in the reporting period, but no major reform was introduced, and the amendments do not relate to the Pegasus revelations. Hungary should remain in the category as indicated on the map in Figure 1 below.

List amendments of Act CXXV of 1995 on the National Security Services between 1 July 2017 and 31 December 2022

- 2022. évi XXIV. törvény Magyarország 2023. évi központi költségvetésének megalapozásáról / Act XXIV of 2022 on the Foundation of the 2023 Central Budget of Hungary
- 2022. évi XXII. törvény a területi közigazgatás működésével kapcsolatos egyes kérdésekről, valamint egyes törvényeknek az Alaptörvény tizenegyedik módosításával összefüggő módosításáról / Act XXII of 2022 on certain issues related to the functioning of territorial public administration and amending certain acts in connection with the eleventh amendment to the Fundamental Law

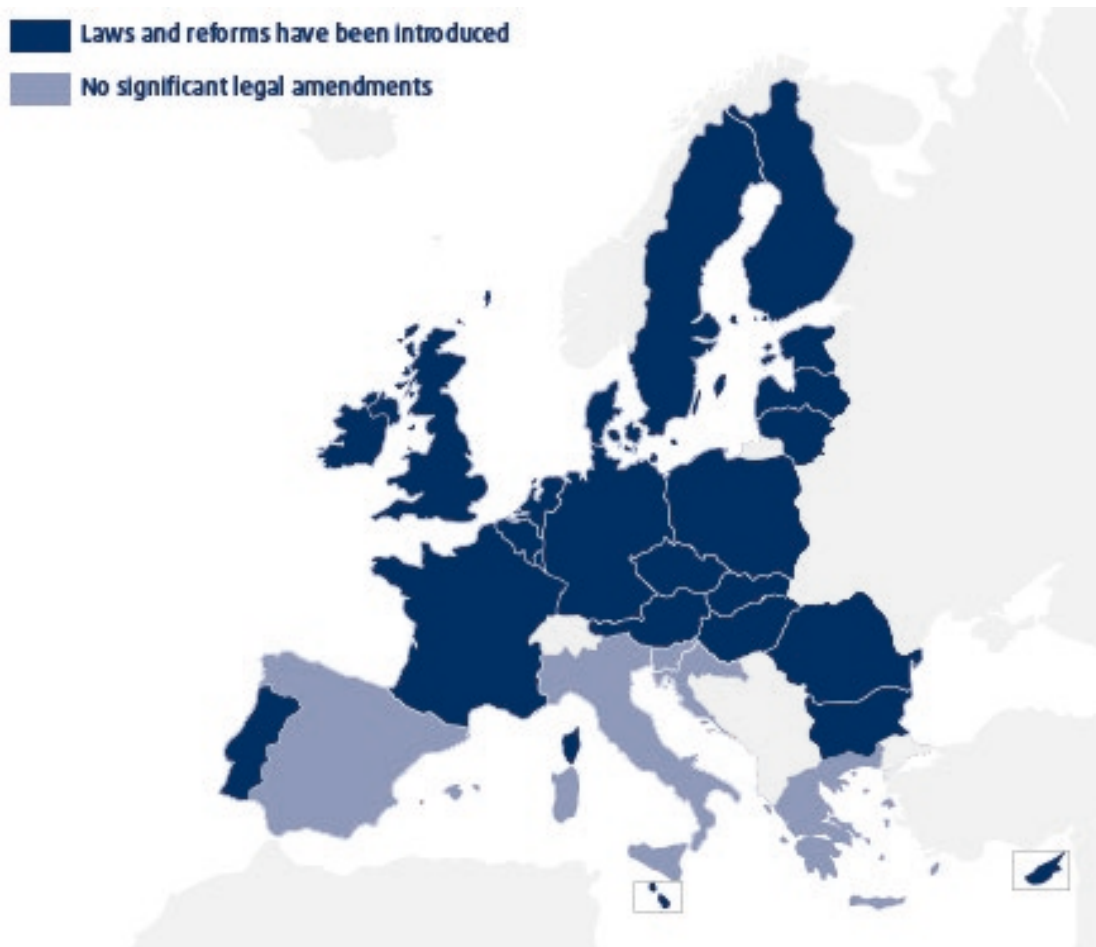
- 2022. évi VII. törvény egyes törvényeknek a honvédelemmel, a gazdaságfejlesztéssel, valamint a kormányzati igazgatással összefüggő módosításáról / Act VII of 2022 amending certain Acts related to defence, economic development, and government administration
- 2022. évi IV. törvény egyes törvényeknek a Magyarország minisztériumainak felsorolásáról szóló 2022. évi II. törvényhez kapcsolódó módosításáról / Act IV of 2022 amending certain Acts related to Act II of 2022 on the List of Ministries of Hungary
- 2021. évi CXX. törvény egyes eljárások korszerűsítését és a polgárok biztonságának további megerősítését célzó intézkedésekről / Act CXX of 2021 on measures to modernise certain procedures and further strengthen the security of citizens
- 2021. évi CXIV. törvény az atomenergia-felügyeleti szerv jogállásával összefüggésben egyes törvények módosításáról / Act CXIV of 2021 amending certain acts in connection with the status of the nuclear energy supervisory body
- 2021. évi XCIII. törvény a védelmi és biztonsági tevékenységek összehangolásáról / Act XCIII of 2021 on the Coordination of Defence and Security Activities
- 2021. évi XXXII. törvény a Szabályozott Tevékenységek Felügyeleti Hatóságáról / Act XXXII of 2021 on the Authority for the Supervision of Regulated Activities
- 2021. évi XXXI. törvény a közbiztonság erősítése érdekében egyes rendészeti igazgatási törvények módosításáról / Act XXXI of 2021 amending certain laws on law enforcement administration in order to strengthen public security
- 2020. évi CLII. törvény egyes törvényeknek a Nemzeti Adó- és Vámhivatal személyi állományának jogállásáról szóló törvény hatálybalépésével összefüggő módosításáról / Act CLII of 2020 amending certain Acts in connection with the entry into force of the Act on the Legal Status of the Staff of the National Tax and Customs Administration
- 2020. évi XLIII. törvény a büntetőeljárásról szóló törvény és más kapcsolódó törvények módosításáról / Act XLIII of 2020 amending the Criminal Procedure Act and other related acts
- 2020. évi XXXI. törvény egyes törvényeknek a polgárok biztonságát erősítő módosításáról / Act XXXI of 2020 amending certain acts to strengthen citizen security
- 2019. évi CXXVII. törvény az egyes törvényeknek az egyfokú járási hivatali eljárások megteremtésével összefüggő módosításáról / Act CXXVII of 2019 amending certain Acts in connection with the establishment of single-instance district-level administrative procedures
- 2019. évi CXVI. törvény egyes eljárások egyszerűsítése és elektronizálása érdekében szükséges törvénymódosításokról / Act CXVI of 2019 on amendments to certain laws necessary to simplify and electronise certain procedures
- 2019. évi CIX. törvény a kormányzati igazgatásról szóló 2018. évi CXXV. törvény, valamint egyes törvényeknek a kormányzati igazgatásról szóló 2018. évi CXXV. törvénnyel kapcsolatos módosításáról / Act CIX of 2019 amending Act CXXV of 2018 on Government Administration and certain Acts related to Act CXXV of 2018 on Government Administration
- 2019. évi CV. törvény egyes törvények honvédelmi kérdésekkel összefüggő módosításáról / Act CV of 2019 amending certain Acts relating to defence matters
- 2019. évi XXXIV. törvény az Európai Unió adatvédelmi reformjának végrehajtása érdekében szükséges törvénymódosításokról / Act XXXIV of 2019 on the necessary legislative amendments to implement the European Union data protection reform
- 2018. évi CXXI. törvény egyes belügyi tárgyú és más kapcsolódó törvények módosításáról / Act CXXI of 2018 amending certain laws on home affairs and other related matters
- 2018. évi CXVIII. törvény egyes egészségügyi és egészségbiztosítási tárgyú, valamint az egészségüggyel összefüggő egyes törvények módosításáról / Act CXVIII of 2018 amending certain laws on health care and health insurance and certain laws related to health care
- 2018. évi CXV. törvény a rendvédelmi feladatokat ellátó szervek hivatásos állományának szolgálati jogviszonyáról szóló 2015. évi XLII. törvény és más kapcsolódó törvények módosításáról / Act CXV of 2018 amending Act XLII of 2015 on the Civil Service Status of the Professional Staff of Law Enforcement Agencies and other related acts

- *2017. évi XCIII. törvény a titkos információgyűjtés szabályainak az új büntetőeljárási törvénnyel összefüggő, továbbá a bírósági végrehajtás során a sértettnek megítélt polgári jogi követelések kielégítési sorrendjére vonatkozó rendelkezések módosításáról* / Act XCIII of 2017 amending the rules on the collection of secret information in connection with the new Criminal Procedure Act and the provisions on the order of satisfaction of civil claims awarded to victims in the course of judicial enforcement
- *2017. évi XXXIX. törvény az európai uniós és a nemzetközi bűnügyi együttműködést szabályozó törvények, és ehhez kapcsolódóan más törvények jogharmonizációs célú módosításáról* / Act XXXIX of 2017 amending the laws governing European Union and international cooperation in criminal matters and other related laws for the purpose of legal harmonisation

Constitutional Court decisions annulling certain provisions of the Act on National Security Services:

- *19/2018. (XI. 12.) AB határozat* / Constitutional Court Decision No. 19/2018 of 12 November 2018
- *12/2017. (VI. 19.) AB határozat* / Constitutional Court Decision No. 12/2017 of 19 June 2017

Figure 1: EU Member States' legal frameworks on surveillance reformed since October 2015

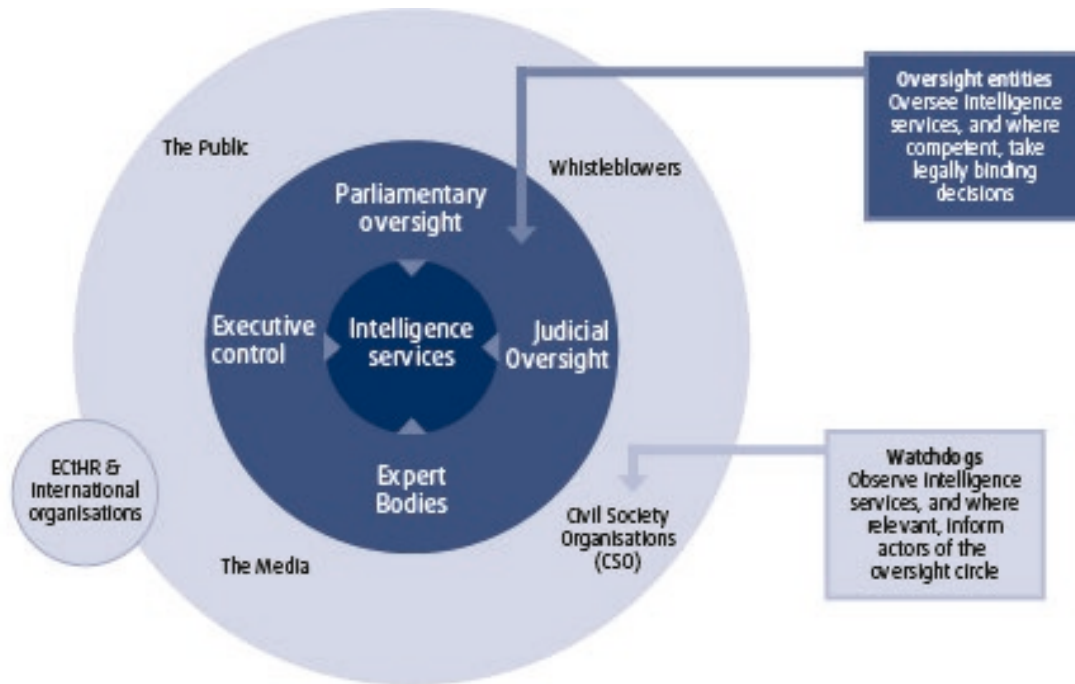


2.3. Intelligence services' accountability scheme

Please confirm whether the diagram below (Figure 5 (p. 65) of the FRA 2017 report) illustrates the situation in your Member State in an accurate manner. If it is not the case, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

The diagram is correct, with the exception of the inclusion of the expert body that should be removed as there is no such entity in Hungary.

Figure 5: Intelligence services' accountability scheme

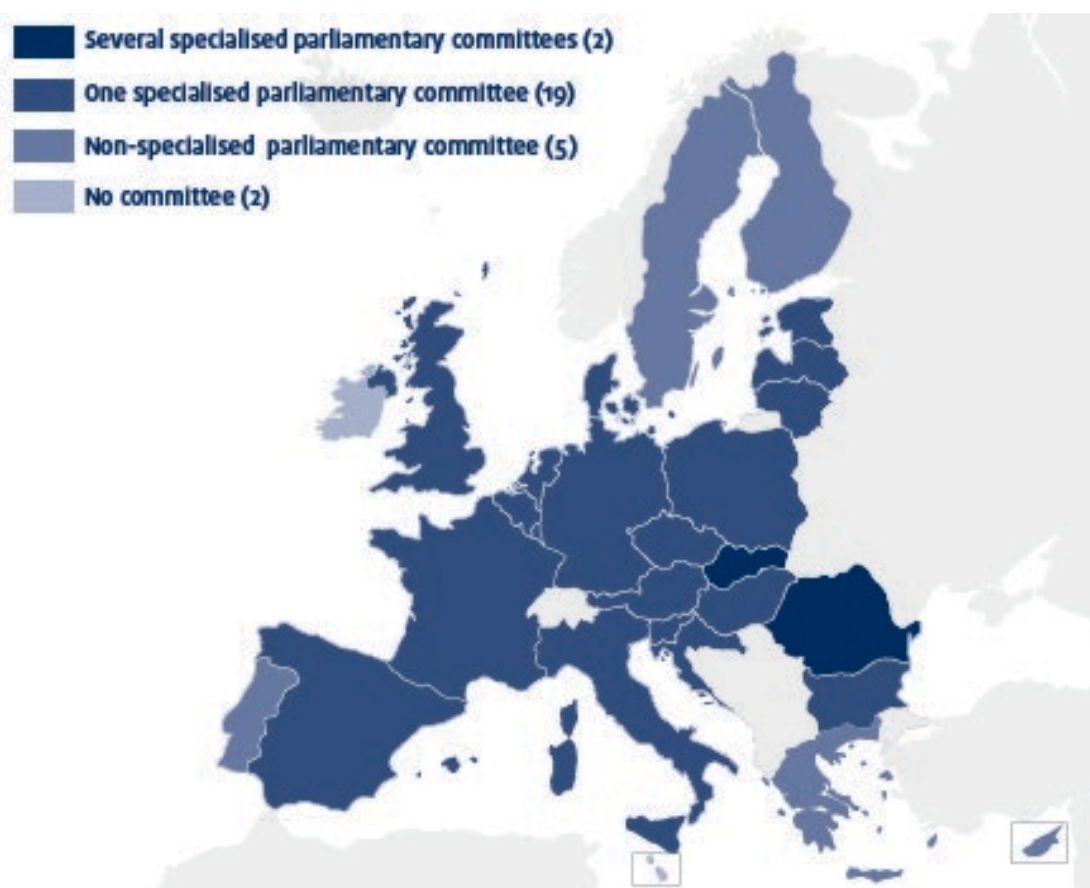


2.4. Parliamentary oversight of intelligence services in EU Member States

Please confirm that the map below (Figure 6 (p. 66) of the FRA 2017 report) illustrates the situation in your Member State in an accurate manner. If it is not the case, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

There is one, specialised parliamentary committee in charge of oversight in Hungary. The Hungarian case is indicated appropriately on the map below.

Figure 6: Parliamentary oversight of intelligence services in EU Member States



2.5. Expert bodies (excluding DPAs) overseeing intelligence services in the EU

Please check the accuracy of the table below (Table 2 (p. 68) of the FRA 2017 report) in relation to your Member State. In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

There is no expert body overseeing intelligence services in addition to the Data Protection Authority in Hungary. The row for Hungary in Table 2 is correct.

Table 2: Expert bodies (excluding DPAs) overseeing intelligence services in the EU

| EU Member State | Expert Bodies |
|-----------------|---------------|
| HU | N.A. |

2.6 DPAs' powers over national intelligence services, by Member States

Please confirm that the map below (Figure 7 (p. 81) of the FRA 2017 report) illustrates the situation in your Member State in an accurate manner. If it is not the case, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

Possible revision: While the legal framework did not change, the Hungarian DPA could fall under "limited powers" for the following reasons:

According to the general norms applicable to the investigation of the DPA in cases involving secret surveillance, the investigation cannot cover certain information, as specified by Art. 23 of the Act on the Commissioner for Fundamental Rights and Art. 71 of the Information Act,⁴³ that create a complex system of exemptions from access and exemptions from the exemptions (granting access to the Authority). Limitations include technical data on operating devices and methods used for secret surveillance, data identifying the persons applying these, or data on cryptographic activities. More specifically, the Act on the Commissioner for Fundamental Rights in its Art. 23 lists 39 sets of cases, covering certain sensitive or classified information regarding the operation of the armed forces,⁴⁴ of the security services,⁴⁵ of police forces,⁴⁶ of the tax and customs authority,⁴⁷ of prosecution services,⁴⁸ and of the National Security Inspectorate.⁴⁹ In the case of the security services, this excludes information revealing the identity of those cooperating with the secret services or working on secret surveillance, regarding tools and methods used in secret surveillance, concerning cryptography, further security documents of security services' establishments and personnel, documents on the security of official documents, documents that allows the identification of the sources of information, and documents that could compromise obligations towards foreign security services.⁵⁰ In all of these cases, the Commissioner for Fundamental Rights can turn to the minister in charge who, in such a case, shall order or conduct the analysis and inform the Commissioner about the results.⁵¹

The law adopts the same framework of limitations for the DPA, with few exceptions.⁵² The two exceptions concern cases where the procedure before the DPA was initiated to protect the personal data of an individual cooperating covertly with state authorities (the police and tax and customs authority)⁵³ or the personal data of staff conducting secret surveillance.⁵⁴ These two cases can hardly be interpreted as a major extension of access powers. The DPA, in its report on the Pegasus case, specifically referred

⁴³ Hungary, [Act CXI of 2011 on the Commissioner for Fundamental Rights](#) (2011. évi CXI. törvény az alapvető jogok biztosáról), Art. 23, applicable to the Authority following Art. 71(3) of [Act CXII of 2011 on the right to informational self-determination and information freedom](#) (2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról).

⁴⁴ Hungary, [Act CXI of 2011 on the Commissioner for Fundamental Rights](#) (2011. évi CXI. törvény az alapvető jogok biztosáról), Art. 23(1).

⁴⁵ Hungary, [Act CXI of 2011 on the Commissioner for Fundamental Rights](#) (2011. évi CXI. törvény az alapvető jogok biztosáról), Art. 23(2).

⁴⁶ Hungary, [Act CXI of 2011 on the Commissioner for Fundamental Rights](#) (2011. évi CXI. törvény az alapvető jogok biztosáról), Art. 23(3).

⁴⁷ Hungary, [Act CXI of 2011 on the Commissioner for Fundamental Rights](#) (2011. évi CXI. törvény az alapvető jogok biztosáról), Art. 23(4).

⁴⁸ Hungary, [Act CXI of 2011 on the Commissioner for Fundamental Rights](#) (2011. évi CXI. törvény az alapvető jogok biztosáról), Art. 23(5).

⁴⁹ Hungary, [Act CXI of 2011 on the Commissioner for Fundamental Rights](#) (2011. évi CXI. törvény az alapvető jogok biztosáról), Art. 23(6). This excludes information on cryptography licencing.

⁵⁰ Hungary, [Act CXI of 2011 on the Commissioner for Fundamental Rights](#) (2011. évi CXI. törvény az alapvető jogok biztosáról), Art. 23(2)(a)–(g).

⁵¹ Hungary, [Act CXI of 2011 on the Commissioner for Fundamental Rights](#) (2011. évi CXI. törvény az alapvető jogok biztosáról), Art. 23(7).

⁵² Hungary, [Act CXII of 2011 on the right to informational self-determination and information freedom](#) (2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról), Art. 71(3).

⁵³ [Act CXII of 2011 on the right to informational self-determination and information freedom](#) (2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról), Art. 71(3a). Note that the referenced law on the Commissioner for Fundamental Rights already includes an exception for cases initiated by the individual who cooperates covertly with state authorities. Arts. 23(3)(e), 23(4)(f), and 23(5)(d).

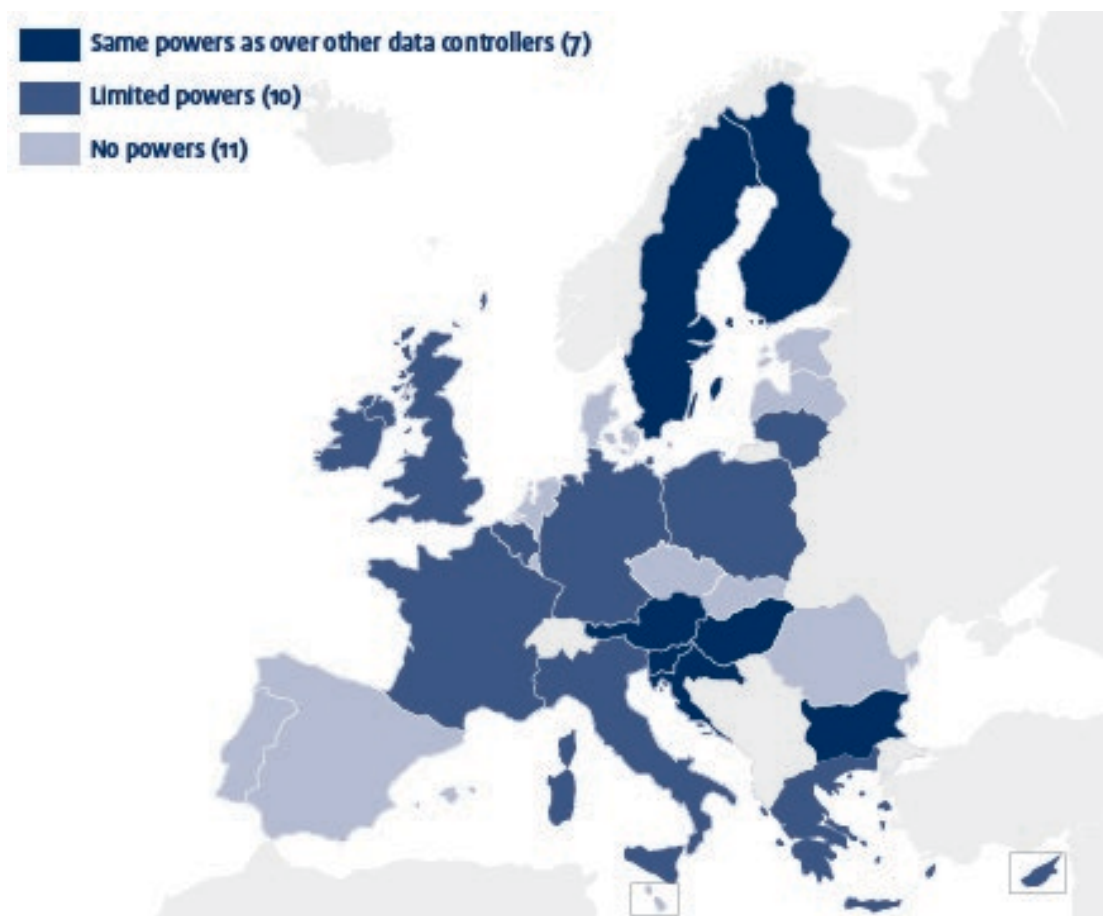
⁵⁴ [Act CXII of 2011 on the right to informational self-determination and information freedom](#) (2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról), Art. 71(3b).

to its limited ability to access information and its ability to request abridged versions and ask the competent minister to exercise its supervisory powers.⁵⁵

The European Court of Human Rights in its judgment of September 2022 in *Hüttl v. Hungary* found that the existence of these ‘section-23-exempted’ data raises concerns, as “it does not allow for the legal scrutiny of certain instances of data-processing by an external and independent body. This is so because the DPA cannot find out, of its own volition, the contents of the documents and data in question. Instead, it must rely on information obtained from the minister overseeing the activity, who will communicate their views on the matter – while potentially having a direct interest in maintaining the secrecy of the data concerned.” The ECtHR concludes that because of these limitations on the power of the DPA, there is in fact no external, independent scrutiny currently available under the Hungarian legal framework.⁵⁶

Depending on how this compares to DPA powers in other countries under the two categories, this could justify the indication of “limited powers” in the case of the Hungarian DPA.

Figure 7: DPAs’ powers over national intelligence services, by member states



⁵⁵ NAIH (2022), [Findings of the investigation of the Nemzeti Adatvédelmi és Információszabadság Hatóság \(Hungarian National Authority for Data Protection and Freedom of Information\) launched ex officio concerning the application of the “Pegasus” spyware in Hungary](#), 31 January 2022, p. 21.

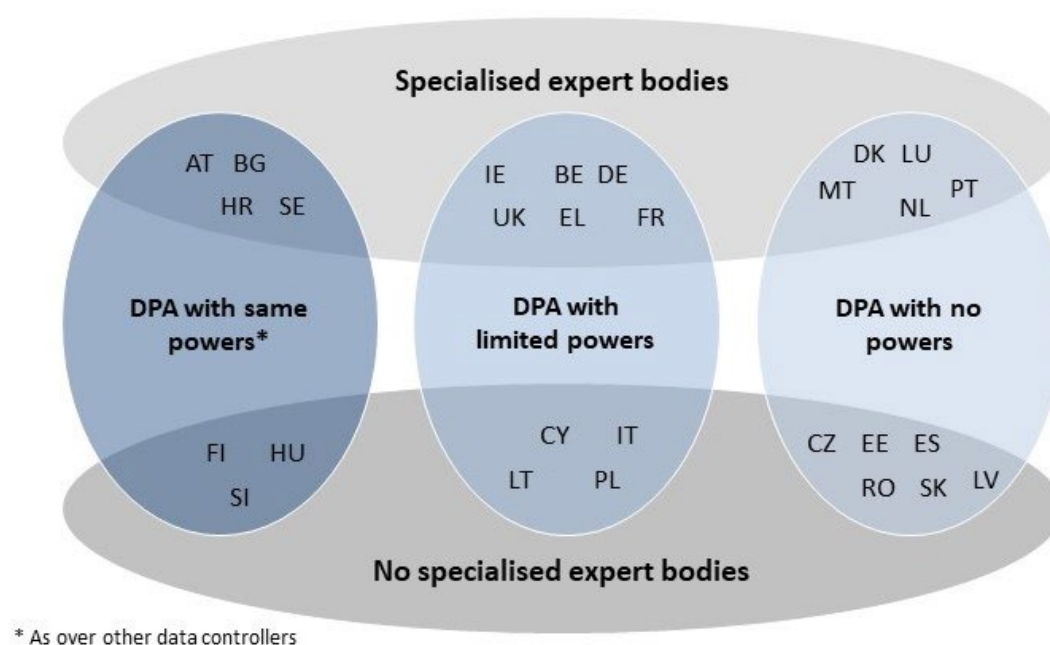
⁵⁶ ECtHR, *Hüttl v. Hungary*, No. 58032/16, 29 September 2022, paras. 16–18.

2.7. DPAs' and expert bodies' powers over intelligence techniques, by EU Member State

Please check the accuracy of the figure below (Figure 8 (p. 82) of the FRA 2017 report) in relation to your Member State. In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

See the previous point for a possible revision (and moving HU under “DPA with limited powers” / “No specialised expert bodies”).

Figure 8: DPAs' and expert bodies' powers over intelligence techniques, by EU Member State



2.8. Binding authorisation/approval of targeted surveillance measures in the EU

Please check the accuracy of the table below (Table 4 (p. 95) of the FRA 2017 report) in relation to your Member State. In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

The Hungarian row in Table 4 indicates the legal framework accurately.

Table 4: Binding authorisation/approval of targeted surveillance measures in the EU-27

| | Judicial | Executive | Expert bodies | Services |
|----|----------|-----------|---------------|----------|
| HU | ✓ | ✓ | | ✓ |

2.9 Approval/authorisation of general surveillance of communication

Please check the accuracy of the table below (Table 5 (p. 97) of the FRA 2017 report), and update/include information as it applies to your Member State (if not previously referred to). In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework, in particular where - since 2017 - your Member State regulates these type of surveillance methods (for a definition of general surveillance, see FRA 2017 Report, p. 19).

This type of general approval scheme does not exist in Hungary.

Table 5: Approval/authorisation of general surveillance of communication in France, Germany, the Netherlands and Sweden

| | Judicial | Parliamentary | Executive | Expert |
|----|----------|---------------|-----------|--------|
| DE | | ✓ | | ✓ |
| FR | | | ✓ | |
| NL | ✓ | | ✓ | ✓ |
| SE | | | | ✓ |

2.10. Non-judicial bodies with remedial powers

Please check the accuracy of the table below (Table 6 (p. 112) of the FRA 2017 report). In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

The row for Hungary describes the formal legal framework accurately. Note, however, that in the assessment of the ECtHR, “the domestic law does not appear to provide any possibility for an individual who alleges interception of his or her communications to lodge a complaint with an independent body”.⁵⁷

Regarding the bodies listed in the table below, the followings are noted:

- Executive: the competent minister can receive complaints and can act upon them, including by giving orders to the secret services.⁵⁸
- DPA: the caveats described under Section 2.6 above apply to the DPA procedure, e.g., that, in the assessment of the ECtHR, the legal framework “does not allow for the legal scrutiny of certain instances of data-processing by an external and independent body”.⁵⁹ Hence, can be removed from the list.
- Parliamentary committee: the committee has monitoring and fact-finding powers including on complaints alleging illegality of the operation of security services, if the complainant challenges the findings of the minister (see above under Executive and on page 4).⁶⁰ In most cases, the committee does not go further than adopting findings and thus does not act upon these, but in a limited set of cases it can order the initiation or the repetition of a review procedure regarding the assessment of security threats concerning concrete individuals.⁶¹ It does not have powers to directly remedy violations.
- Ombuds institution: the Commissioner for Fundamental Rights has broad powers to conduct fact-finding procedures, which includes the operation of secret services, and can initiate procedures, including constitutional review, criminal, administrative, and disciplinary

⁵⁷ ECtHR, *Szabó and Vissy v. Hungary*, No. 37138/14, 12 January 2016, para. 39.

⁵⁸ Art. 11 of the National Security Services Act.

⁵⁹ ECtHR, *Hüttel v. Hungary*, No. 58032/16, 29 September 2022, para. 17.

⁶⁰ Art. 14, esp. 14(4c), of the National Security Services Act.

⁶¹ Art. 19/A(2b) of the National Security Services Act.

procedures.⁶² However, responding to a question from an opposition MP, Commissioner Ákos Kozma stated that he was not planning to conduct an investigation on the Pegasus allegations because there is a dedicated body to address concerns specifically on the data protection (the DPA).⁶³ He does not have powers to directly remedy violations.

Table 6: Non-judicial bodies with remedial powers in the context of surveillance, by EU Member State

| | Executive (ministry) | Expert body(ies) | DPA | Parliamentary committee(s) | Ombuds institution |
|----|----------------------|------------------|-----|----------------------------|--------------------|
| HU | ✓ | | ✓ | ✓ | ✓ |

2.11 Implementing effective remedies

Please confirm that the diagram below (Figure 9 (p. 114) of the FRA 2017 report) illustrates the situation in your Member State in an accurate manner. If it is not the case, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

The figure generally describes the formal elements that are also present in the Hungarian legal framework.

Regarding freedom of information, Act 112 of 2011 that deals with freedom of information requests (Information Act) creates a blanket authorisation for accessing information of public interest.⁶⁴ This also creates exceptions and allows for other laws to restrict access, specifically mentioning national security interest among others. In practice this means that there is information that is accessible through public requests, e.g. on the total annual number of surveillance authorisation requests to the minister of justice (1469 in 2021)⁶⁵ or the place of storing of the data acquired with the Pegasus software (in Hungary).⁶⁶ In response to a public information request on whether the Special Service for National Security (*Nemzetbiztonsági Szakszolgálat*, NBSZ) has been using Pegasus, the NBSZ denied to address the question with reference to the fact that this is classified information and Art. 27(1) of the Freedom of Information Act specifies this exception.⁶⁷

⁶² See Chapter 11 of Act 111 of 2011.

⁶³ Commissioner for Fundamental Rights (2021), [Response to MP Tamás Harangozó](#), AJB-4583/2021, 11 August 2021.

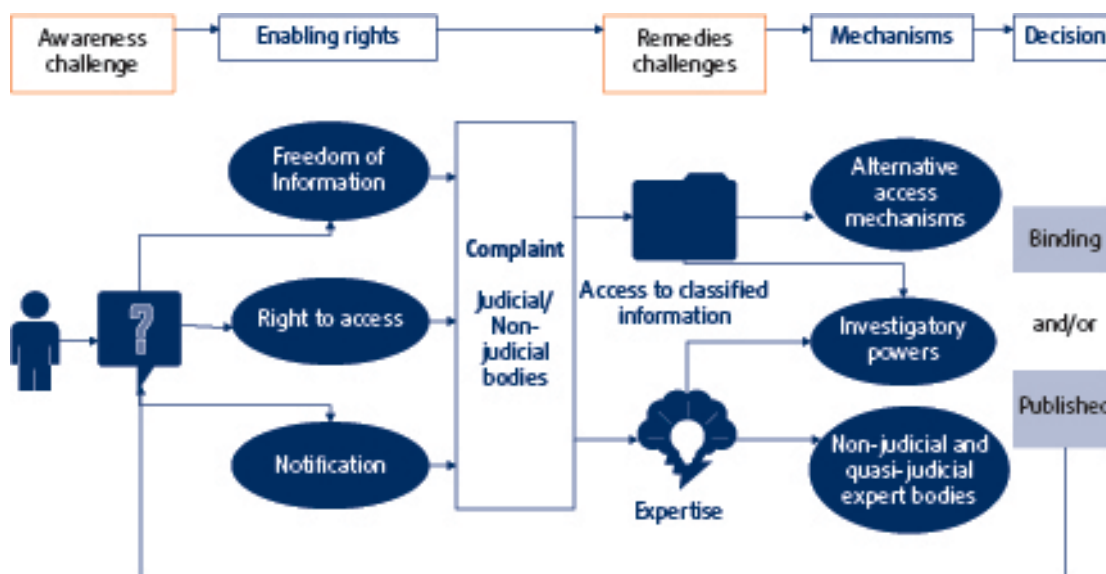
⁶⁴ Hungary, [Act 112 of 2011 on the right to informational self-determination and information freedom](#) (2011. évi CXII. törvény az információk önrendelkezési jogról és az információszabadságról), Arts. 26–27.

⁶⁵ Media outlet HVG reports that earlier practice on providing statistical data was restricted following the Pegasus revelations: Lengyel, T. (2022), [It was classified who signs the authorisations for surveillance under the ministerial portfolio of Judit Varga](#) (*Titkosították, ki írja alá Varga Judit tárcájánál a megfigyelések engedélyezését*), HVG, 24 May 2022.

⁶⁶ NAIH (2022), [Response to Iván Szántó](#), NAIH-2947-2/2022, 3 March 2022.

⁶⁷ Special Service for National Security (2022), [Response to Gábor Varga](#), 30700/3034-1/2021. Ált., 2 August 2021.

Figure 9: Implementing effective remedies: challenges and solutions



2.12. Non-judicial bodies' remedial powers

Please check the accuracy of the table below (Table 7 (pp. 115 - 116) of the FRA 2017 report). In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

The information related to Hungary is not fully accurate. If the last column indicates judicial review, the row for the Data Protection Authority should be coloured, as review by a court of the decision issued by the DPA as a public authority can be requested.⁶⁸ In the column on full access to collected data, the cell corresponding to 'Relevant ministries' has been coloured reflecting the provisions of Art. 11(5) of National Security Services Act⁶⁹. The cells corresponding to the 'Commissioner for Fundamental Rights' and 'Data Protection Commissioner' have not been coloured, as these bodies do not have full access to data according to the applicable laws. The note 'with limitations' has been added to the cells, with footnotes describing the limitations. The cell corresponding to the 'Parliamentary Committee for National Security' was already shaded, but a note 'with minor limitations' and related footnote have been added.

⁶⁸ Hungary, [Act 1 of 2017 on Administrative Judicial Procedure](#) (2017. évi I. törvény a közigazgatási perrendtartásról). See also National Authority for Data Protection and Freedom of Information, [Judicial review of administrative decision](#) (Közigazgatási határozat bírósági felülvizsgálata).

⁶⁹ Hungary, [National Security Services Act](#), Art. 11(5).

Table 7: Non-judicial bodies' remedial powers in case of surveillance, by EU Member State

| | Bodies with remedial competence | Decisions are binding | May fully access collected data | Control is communicated to complainant | Decision may be reviewed |
|----|---|-----------------------|-------------------------------------|--|--------------------------|
| HU | Commissioner for Fundamental Rights | | with limitation ⁷⁰ | | |
| | Data Protection Commissioner | | with limitation ⁷¹ | | |
| | Parliamentary Committee for National Security | | with minor limitation ⁷² | | |
| | Relevant ministries | | | | |

Note:

- = Expert body
- = Ombuds institution
- = Data protection authority
- = Parliamentary Committee
- = Executive

Source: FRA, 2017

2.13 DPAs' remedial competences

Please check the accuracy of the figure below (Figure 10 (p. 117) of the FRA 2017 report) with respect to the situation in your Member State. In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

See under heading 2.6. above for a possible revision (and moving HU under “DPAs with limited powers but full remedial competence”).

⁷⁰ For the list of limitations with – currently – 39 items, see Art. 23, [Act 111 of 2011 on the Commissioner of Fundamental Rights](#).

⁷¹ The Information Act defining the powers of the Commissioner refers to the limitations in the Act on the Commissioner of Fundamental Rights (see preceding item) and adds two sets of exceptions to the limitations, i.e. where the Authority can access data. See Art. 71(3), 71(3a), and 71(3b), [Information Act](#).

⁷² The minister and the secret services do not have to share information with the Committee that would compromise the pressing national security interest in protecting the secrecy of a method or a person. See Art. 16(1) of the National Security Services Act.

Figure 10: DPAs' remedial competences over intelligence services

