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- HUNGARY: Report on Data Protection

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 August 2006

**8400/1/06
REV 1 EXT 1**

RESTREINT UE

**SCHEVAL 64
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EXTRACT FROM REPORT

from : Schengen Evaluation Data Protection Committee
to : Schengen evaluation Working Party
Subject : Schengen evaluation of the new Member States
- HUNGARY: Report on Data Protection

Management summary

Experts are confident that Hungary is properly equipped both from a legal, a technical and a human point of view to exercise its competences in relation to the implementation of the Schengen acquis, provided that its competences will not be limited by the work going on in the Legal committee.

Since the Police has already initiated much work in relation to SIS-SIRENE, it is recommended that the DPA has a closer look at it and prepares its first inspection as the supervisory authority under art 114 of the Schengen Convention.

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CONCLUSIONS AND RECOMMENDATIONS

General conclusion

The experts are confident that the Data protection rules in Hungary will comply with the requirements of the Schengen acquis, once a satisfying follow-up has been given to the recommendations mentioned below. Hungary is invited to confirm this in writing at a later stage, when reporting on the follow up of the current evaluations in the SCH-Eval group.

On the legislation

It is recommended to clarify by the end of 2006 when the work of the Legal committee will be completed that the powers of the Parliamentary Commissioner for Data will not be reduced in future with respect to SIS and SIRENE, in comparison with its current prerogatives.

On the implementation

Experts recommend that the DPA takes a closer interest in the coming months in the preparation of data security in relation to SIS and SIRENE at the National police, especially now that Hungary has already established a SIRENE-bureau which will issue alerts for future use in SIS.

It is recommended that there shall be at the most appropriate time an inspection on site, at the latest before implementation of Schengen.

Hungary is invited to provide additional information on its plan to use WLAN's.

The DPA should verify during an inspection that the SIS-testing takes place with dummy data.

The DPA should be involved in the preparatory work at the MFA in relation with visa issuance.

Hungary is invited to develop plans for a campaign accompanying the implementation of the Schengen acquis in 2007.

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On the functioning

Budgetary means should be adequate considering the fact that new tasks will befall on the DPA in the light of the Schengen implementation, i.a. a public awareness campaign, new inspections will be necessary, training of other public authorities.

The DPA should consider providing DPA specific information about the rights of subjects for turned down visa applicants.

Recommendation to the SCH-Eval group

Experts support the suggestion made by previous inspection teams to the Sch-Eval group and aiming at the possibility of a guideline being issued for the content of answers to be given to data subjects, both when no data are held and when data are held.

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