

Hungary-Legal Framework

Legal framework

Act LVXXI of 1996 on Surveying and Mapping and the related Ministerial decrees provide the core of the legal background of GIS-related issues. All official surveying, mapping and related activities are governed by this Act. The basic aim of the Act is to ensure that base maps covering the total area of the country are available, as to enable land registration, development of geographic information systems, and a wide range of applications on various economic, scientific and social subjects. The Act makes it compulsory to use the governmental base map data to create GIS.

The Joint Decree No 21/1997 “On execution of some rules defined by the Law LXXVI of 1996 on Activities in Surveying and Mapping” regulates the co-operation between the ministers responsible for surveying and mapping activities and the rules and conditions for the operation of a Map Supply Coordination Committee. Resolution No. 13 from 1997 of the Governmental Commission on Informatics and Telecommunications provides further steps toward the set up of an NSDI. Recently, new legislation has been added that is also of importance for the legal framework for the Hungarian SDI. The amendment of the Environmental Law of December 2008 entered into force on 15 May 2009, and Government decree 241/2009.X.29 setting up the National Environmental Spatial Information System is ready to be officially adopted, including the implementation of the INSPIRE directive. Next to this decree, Government decision 1176/2009 (X. 26) setting up and clarifying tasks of the committee supporting the work of the INSPIRE contact point is also ready to enter into force. The remaining rules of the directive that needed to be transposed are included in a new governmental decree 241/2009.

Public-private partnerships (PPPs)

Private commercial firms are indirectly involved in helping to implement the NSDS as subcontractor e.g. in the implementation of the National Cadastral Program in a competitive environment. For the surveying and mapping, there is a partnership supported by the Chamber of Engineers, the Hungarian Society of Surveying, Mapping and Remote Sensing, the HUNGIS Foundation, etc. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2010 Hungary K.U.Leuven (SADL) 15 There are particular efforts to strengthen PPP under the EU-ESA-initiative on GMES through collaboration between HUNAGI-FÖMI-HSO-EUSC.

Policy and legislation on access to and reuse of public sector information (PSI)

The Constitution of Hungary states that “in the Republic of Hungary everyone has the right to know and to disseminate data of public interest”. This fundamental right was elaborated in the

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Act on the Protection of Personal Data and Accessibility of Public Data, which requires all government agencies at national or local level to facilitate access to information in their possession, and to make accessible data concerning their activities, data types held by them, and acts concerning their operation. Directive 2003/4 on access to environmental information has partially been transposed (see <http://ec.europa.eu/environment/impel/pdf/enforcementnoteaccess.pdf>). Act LIII of 1995 was amended to specify that environmental data must be accessible for everyone (except sensitive data). Directive 2003/98 on re-use of PSI been fully transposed through the amended Act on the Protection of Personal Data and Accessibility of Public Data; the Act on Publication of Data of Public Interest; and the 2005 Act on Freedom of Information by Electronic Means.

Legal protection of GI by intellectual property rights

The most important rule of the Hungarian copyright-related legislation is the Law LXXVI of 1999 on Copyright, which was modified during the past decade several times. It explicitly protects photographs and maps and cartographic works. In 2000, the decision was taken by the Government in the Law Approximation Program to revise the copyright and related laws in order to ensure the harmonization with the copyright directives of the European Union, and to meet the requirement needed for the Hungarian adoption of the Copyright Agreement in the institutional framework of the WIPO. The sui generis right was included in the Copyright Act in 2001. Directive 2001/29 on copyright in the information society was also transposed into Hungarian law.

Restricted access to GI further to the legal protection of privacy

Article 59 of the Hungarian Constitution protects the individual's right to the "good standing of his reputation" as well as the inviolability of his or her home, private affairs and personal data. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2010 ungary K.U.Leuven (SADL) 16 Furthermore, the protection of personal data is assured by Act LXIII of 1992 on protection of personal data and the disclosure of data of public interest. The purpose of this Act is to guarantee the right of everyone to exercise control over his or her personal data and to have access to data of public interest, except as otherwise provided by law under this Act. The Parliamentary Commissioner for Data Protection and Freedom of Information plays the same role concerning the protection of personal data as he does for the access to public sector documents. Directive 2002/58 on privacy and electronic communications has been transposed into national law.

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<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51521.aspx>