

**Act CXXV of 1995**  
**on the National Security Services\***

In order to ensure the sovereignty and constitutional order of the Republic of Hungary, Parliament passes the following Act on the constitutional operation of the national security services:

*Organization and Legal Status of the National Security Services*

Section 1

The national security services of the Republic of Hungary shall be the following:

- a) Intelligence Office,
  - b) National Security Office,
  - c) Military Intelligence Office,
  - d) Military Security Office
  - e) National Security Special Service
- (hereinafter together: national security services).

Section 2

(1) The Intelligence Office, the National Security Office, and the National Security Special Service (hereinafter together: civil national security services), the Military Intelligence Office and the Military Security Office (hereinafter together: military national security services) shall be budgetary organs with nationwide competence, under the direction of the Government, and pursuing their economic management independently.

(2) For carrying out the tasks specified in this Act, the national security services may establish local and regional organs, in accordance with the guiding decisions of the Government.

*Responsibilities of the National Security Services*

Section 3

The purpose of the national security services shall be, through the carrying out of the tasks specified in this Act using the means of public information and intelligence gathering, to promote the enforcement of the national security interests of the Republic of Hungary, and, by so doing, to contribute to the ensuring of the sovereignty and the protection of the constitutional order of the country.

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\* The Act was passed by Parliament on 19 December 1995.

#### Section 4

##### The Intelligence Office

- a) shall obtain, analyze, evaluate, and forward information on foreign countries or of foreign origin required for government decisions that may be used in the interest of the security of the nation, as well as shall pursue activities serving the enforcement of the interests of the Republic of Hungary;
- b) shall detect any endeavours and activities of foreign secret services interfering with or threatening the sovereignty, or the political, economic, or other important interests of the Republic of Hungary;
- c) shall gather information on organized crime abroad threatening national security, in particular, on terrorist organizations, illegal drug and arms trafficking, as well as on the illegal international circulation of weapons of mass destruction and the components thereof, and the materials and means required for their production;
- d) shall detect any foreign intentions and actions aimed at the threatening of the security and financial situation of the national economy;
- e) shall participate in the detection and prevention of the illegal circulation of internationally controlled products and technologies;
- f) shall provide for the security guarding of Hungarian organs (institutions) and facilities abroad that are important with regard to the activities of the Government;
- g) shall carry out the tasks of national security protection and clearing of individuals falling within its competence;
- h) shall provide for the professional direction, licensing, and supervision of ciphering activities, and shall produce a code book.

#### Section 5

##### The National Security Office

- a) shall detect and ward off any endeavours and activities of foreign secret services interfering with or threatening the sovereignty, or the political, economic, defence, or other important interests of the Republic of Hungary;
- b) shall detect and ward off any concealed endeavours aimed at the alteration or disturbance of the constitutional order of the Republic of Hungary through illegal means;
- c) shall detect and ward off any endeavours of foreign powers, organizations, or individuals aimed at the commission of acts of terrorism;
- d) shall detect and ward off any concealed endeavours threatening the economic, scientific and technological, and financial security of the Republic of Hungary, as well as illegal drug and arms trafficking;
- e) shall provide for the security guarding of organs (institutions) and facilities that are important with regard to the activities of the central state power and the Government;
- f) shall carry out the tasks of national security protection and clearing of individuals falling within its competence;
- g) shall carry out the clearing, and related tasks, of immigrants and individuals applying for refugee status and Hungarian citizenship, as well as, in connection with the safeguarding of national sovereignty and constitutional order, of individuals submitting visa applications;
- h) until an investigation is ordered, shall pursue the detection of attempts against the state (Criminal Code, hereinafter: CC, Chapter X), criminal acts against humanity (CC, Chapter XI), as well as, in its area of operation,

criminal acts of escaping abroad (CC, Section 343), insurrection (CC, Section 352), and the jeopardizing of military preparedness (CC, Section 363);

i) shall detect criminal acts against national, public, racial, or religious groups (CC, Section 156), and acts of terrorism (CC, Section 261), if they were reported to the National Security Office, or it was the National Security Office, which has obtained knowledge thereof;

j) shall obtain information on the criminal acts of disclosure of state secret (CC, Section 221), imposing hazard to the public (CC, Section 259), violation of international legal obligations (CC, Section 261/A), hijacking of aircraft (CC, Section 262), incitement against the community (CC, Section 269), and scaremongering (CC, Section 270);

k) shall participate in the detection and prevention of the illegal circulation of internationally controlled products and technologies, and the control of the legal circulation thereof;

l) shall participate in the detection and prevention of the illegal circulation of military hardware and services, and the control of the legal circulation thereof.

## Section 6

### The Military Intelligence Office

a) shall obtain, analyze, and forward military policy, war industry, and military information on foreign countries or of foreign origin required for government decisions that may affect the military component of security policy;

b) shall detect any endeavours aimed at the Republic of Hungary, implying offensive intentions;

c) shall detect any endeavours and activities of foreign military secret services interfering with or threatening the sovereignty and defence interests of the Republic of Hungary;

d) shall gather intelligence on illegal arms trafficking threatening national security, as well as on terrorist organizations threatening the security of the armed forces;

e) shall participate in the detection and prevention of the illegal circulation of internationally controlled products and technologies;

f) shall provide intelligence required for the strategic and operational planning work of the General Staff of the Hungarian Army;

g) shall provide for the security guarding of Hungarian military organs and facilities (institutions) abroad that are important with regard to the activities of the Government;

h) shall carry out the tasks of national security protection and clearing of individuals falling within its competence.

## Section 7

### The Military Security Office

a) shall detect and ward off any endeavours and activities of foreign secret services aimed at the Ministry of Defence and the Hungarian Army;

b) in its area of operation, shall detect and ward off any concealed endeavours aimed at the alteration or disturbance of the constitutional order of the Republic of Hungary through illegal means;

- c) concerning the organizations of the Ministry of Defence and the Hungarian Army, shall detect and ward off any endeavours of foreign powers, individuals, or organizations aimed at the commission of acts of terrorism;
- d) shall gather intelligence on organized crimes threatening the Ministry of Defence and the Hungarian Army, including illegal drug and arms trafficking as high priority;
- e) shall participate in the detection and prevention of the illegal circulation of internationally controlled products and technologies, and the control of the legal circulation thereof;
- f) shall participate in the detection and prevention of the illegal circulation of military hardware and services, and the control of the legal circulation thereof;
- g) shall provide for the security guarding of designated government and military command and control installations (institutions) falling within its competence;
- h) shall carry out the tasks of national security protection and clearing of individuals falling within its competence;
- i) until an investigation is ordered, shall pursue, in its area of operation, the detection of attempts against the state (CC, Chapter X), criminal acts against humanity (CC, Chapter XI), criminal acts of escaping abroad (CC, Section 343), insurrection (CC, Section 352), and the jeopardizing of military preparedness (CC, Section 363);
- j) in its area of operation, shall detect criminal acts against national, public, racial, or religious groups (CC, Section 156), and acts of terrorism (CC, Section 261);
- k) in its area of operation, shall obtain information on the criminal acts of disclosure of state secret (CC, Section 221), imposing hazard to the public (CC, Section 259), violation of international legal obligations (CC, Section 261/A), hijacking of aircraft (CC, Section 262), incitement against the community (CC, Section 269), scaremongering (CC, Section 270), threatening with public menace (CC, Section 270/A), and the violation of obligations regarding the circulation of internationally controlled products and technologies (CC, Section 287), furthermore, shall detect all criminal acts that pose hazard to the implementation of the constitutional responsibilities of the Ministry of Defence and the Hungarian Army;
- l) shall carry out the national security tasks related to research, development, manufacture, and trade in the field of the war industry that are pursued within the organizations of the Ministry of Defence and the Hungarian Army.

## Section 8

### (1) The National Security Special Service

- a) upon written request, shall provide services, using the special means and methods of intelligence gathering subject to legal rules, for the intelligence gathering activities of organizations authorized by the law to do so;
- b) based on the requirements of organizations authorized by the law, shall provide the special technical means and materials needed for the intelligence gathering activities;
- c) shall provide special telecommunications connection for users specified by the Government;
- d) shall oversee, in the capacity of authority, the protection of security documents;

e) shall pursue expert consulting activities.

(2) The National Security Special Service may not provide the Government with information.

(3) The National Security Special Service shall be a service providing organization. It may only use the means and methods specified in Section 54, subsection (1), paragraphs a) to d), f), and g) on its own initiative in order to fulfil its tasks specified in subsection (1), paragraph a) and Section 9, paragraph d).

(4) The National Security Special Service shall not use the means and methods of intelligence gathering specified in Section 54, subsection (1), paragraphs e), h) to j) and in Section 56 on its own initiative, except the fulfilment of the task specified in Section 9, paragraph d).

(5) The services rendered by the National Security Special Service shall be free of charge.

(6) The order of co-operation between the organizations authorized to gather intelligence and the National Security Special Service shall be defined by the Government.

## Section 9

The national security services

a) shall carry out the procurement, research, and development of the technical systems and devices required for the fulfilment of their tasks, as well as shall provide professional training for the application of the said devices; in the interest of the foregoing, they may co-operate with one another and other organs;

b) shall carry out their tasks connected with the state of emergency, specified in a separate Act;

c) shall carry out, subject to the provisions of this Act, the tasks specified by the Government, or the Minister in charge of the civil national security services, or the Minister of Defence;

d) shall carry out the tasks of clearing aimed at internal security and the prevention of crimes;

e) shall provide for the professional training of their professional staff members and civil servants.

*Direction and Control of the National Security Services*

Section 10

(1) The Government shall direct the civil national security services through the appointed Minister, while the military national security services, through the Minister of Defence (hereinafter: Minister).

(2) The appointed Minister in charge of the civil national security services under subsection (1) shall not be any of the Ministers of the Interior, Defence, and Justice.

Section 11

(1) The Minister

a) shall prepare bills on the operation, responsibilities, and competence of the national security services and the drafts of other government decisions, or shall participate in the preparation thereof;

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

c) through decrees and the other legal means of state administration, shall regulate the activities and operation of the national security services;

d) shall maintain relations in order to promote the international co-operation of the national security services.

(2) In his competence of direction, the Minister

a) shall define tasks for and give orders to the national security services for the fulfilment of tasks based on acts, government decrees, or other government decisions;

b) shall determine in writing the topical tasks of the services for the directors general semi-annually; shall give orders in writing for meeting the information requirements received from the members of the Government;

c) upon submissions by the directors general, shall approve the operational and organizational regulations of the national security services and the staff roster;

d) shall make proposals for the budgets of the national security services;

e) with respect to the budgetary management of the national security services, shall exercise the planning, estimate-amending, reporting, information-providing, financial, and controlling rights and responsibilities of the head of the organ in charge of the budgetary section, and of the head of the organ in charge of the supervision of budgetary organs, as specified in legal rules;

f) with respect to the economic management of the national security services, shall carry out inspection aimed at expediency and efficiency;

g) shall oversee the legal operation of the national security services in accordance with their designated purpose, and the fulfilment of their tasks;

h) upon submissions by the directors general, shall approve the internal rules of procedure of and authorization to intelligence gathering;

i) upon submission by the directors general, shall approve proposals on the international relations of the national security services;

j) shall make proposals to the Prime Minister for the appointment and discharge of the directors general;

k) except for appointments and discharges, shall exercise the employer's rights over the directors general, shall appoint and discharge their deputies, and shall exercise the employer's rights over them;

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

m) upon the proposal of the directors general, shall commission the colonels;

n) shall approve the appointment of persons recommended to hold posts established with the rank of generals, and the discharge of persons holding such posts;

o) shall take measures for carrying out the clearing of the directors general and their deputies, aimed at internal security and the prevention of crimes;

p) shall exercise the special rights granted to him in Acts, government decrees, or government decisions.

(3) With his directive given in his competence of direction, the Minister shall not take over matters falling within the competence of the directors general, and shall not impede the exercising of their competence.

(4) The Minister may give individual directives to the national security services through the directors general, and shall not give directives concerning the contents of the decision to the national security services acting on the basis of their competence as authorities.

(5) The Minister shall conduct inquiries about complaints related to the activities of the national security services, and shall inform the complainants about the findings of the inquiry and the measures taken within 30 days. This deadline may be extended once, by another 30 days.

(6) The Minister in charge of the civil national security services shall direct the analysis and evaluation of information on the national security of the country received from state organs, as well as the work supporting the preparation of Government decisions in this field.

### Section 12

(1) The national security services shall be headed by directors general, appointed and discharged by the Prime Minister upon the nomination of the Minister.

(2) The nomination concerning the director general of the National Security Special Service shall be made by the Minister in charge of the civil national security services in agreement with the Ministers of Defence and the Interior.

### Section 13

(1) The directors general shall direct, with individual responsibility, the national security services within the framework set by this Act, legal rules, and other legal means of state administration,.

(2) The Chief of Staff of the Hungarian Army may require the disclosure of information necessary for the fulfilment of his tasks specified in the Act on National Defence, even in the absence of subordination and superordination, directly from the director general of the Military Intelligence Office, who shall fulfil the request immediately. The Minister of Defence shall establish the order of professional communication and information.

(3) The director general

a) shall be responsible for the legal and professional operation of the national security service in accordance with its designated purpose, and for the fulfilment of the tasks of the national security service;

b) may give orders for the national security service under his direction;

c) shall be responsible for the independent budgetary management of the national security service, and for the fulfilment of its obligations of bookkeeping and reporting;

d) with the approval of the Minister, shall determine the internal rules of procedure of and authorization to intelligence gathering;

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

f) shall provide for the drawing up of the organizational and operational regulations and other internal regulations, and the harmonization and enforcement thereof;

g) shall make proposals to the Minister for the appointment and discharge of deputy directors general, and the commission of generals and colonels;

h) shall put forward the appointment and discharge of persons recommended to hold posts established with the rank of generals;

i) shall exercise the employer's rights over the staff members of the national security service, with the exceptions defined in legal rules;

j) shall report, through the Minister, to the Government on the activities of the national security service as required, but at least once a year.

### *Control of the National Security Services by Parliament*

### Section 14

(1) Parliament shall carry out the parliamentary control of the national security services through the participation of its National Security Committee (hereinafter: Committee). The Chairman of the Committee may only be a member of the Opposition at all times.

(2) The Minister shall inform the Committee about the general activities of the national security services on a regular basis, but at least twice a year.

(3) The Government shall inform the Committee about its decisions on the national security services through the Minister.

(4) While exercising parliamentary control, the Committee

a) may request information from the Minister and, with the simultaneous information of the Minister, from the directors general of the national security services on the national security situation of the country, as well as on the operation and activities of the national security services;

b) may request information from the Minister of Justice, the Minister in charge of the civil national security services, the Minister of Defence, and the directors general on the authorization procedure specified in Sections 56 and 59;

c) may conduct inquiries about complaints implying the illegal activities of the national security services, if the complainant does not accept the findings of the inquiry specified in Section 11, subsection (5), and the weight of the complaint, according to one third of the votes of the committee members, justifies the inquiry; the Committee shall inform the person concerned about its findings;

d) if it assumes that any of the national security services carries out an activity that is unlawful, or is contrary to the designated purpose of the service, may call upon the Minister to conduct an inquiry, who shall inform the Committee about the findings of the inquiry;

e) if it notices the unlawful operation of any of the national security services, or it deems it justified during the procedure specified in paragraphs c) and d) and in Section 27, subsection (4), may conduct a fact-finding inquiry, in the course of which it may have access to the relevant documents kept in the registry of the national security services, and may hear the staff members of the national security services;

f) if it notices that the operation of the national security services is unlawful, or is contrary to their designated purpose in any manner, may call upon the Minister to take the necessary measures, and may initiate the examination of responsibilities; the Minister shall inform the Committee about the findings of the examination;

g) shall give its opinion on the detailed draft budget of the national security services, the items of the budget of other organizations entitled to gather intelligence related to such activities, and the draft of the detailed report on the execution of the Act on the Budget of the year, and shall make a proposal during the debate on the bills to Parliament to adopt the bill in question;

h) prior to their appointment, shall hear the persons nominated to the offices of directors general, and shall take position on their suitability therefor.

(5) If necessary from the aspect of exercising its competence of control, the Committee may call upon staff members of the national security services to provide expert consulting, with the simultaneous information thereof of the competent director general.

## Section 15

(1) The Committee shall receive the general evaluating reports prepared by the national security services that are of importance from the aspect of national security, and those prepared for the Government.

(2) The Committee is entitled to have access to the informative reports of the national security services on common matters.

(3) If the national security services begin (pursue) intelligence gathering activities concerning a Member of Parliament or his relative living in the same household, the Minister shall immediately inform the Committee thereof. The Member of Parliament affected in the matter shall not receive information on such activities.

#### Section 16

(1) In the course of the parliamentary inquiry conducted by the Committee, the obligation of the Minister and the national security services to provide information shall not extend to the provision of information, with the exception under subsection (2), the disclosure of which would threaten priority national security interests linked to the protection of the method or source (the identity of the informant) in a specific matter.

(2) In the course of the inquiry conducted by the Committee concerning the illegal activities of the national security services, the Committee may, with the agreement of two thirds of its members, obligate the Minister and the director general to provide information on the methods used in Hungary during the gathering of intelligence, the knowledge of which is essential for making judgement on the unlawfulness of the activities. Data learned this way may only be used during the procedure of the Committee.

#### Section 17

(1) The National Defence Committee of Parliament (hereinafter: National Defence Committee) shall continuously oversee the fulfilment of the tasks of the military national security services, including the following:

- a) the Minister shall, at least once a year, inform the National Defence Committee about the general activities of the national security services;
- b) the Minister shall inform the National Defence Committee about government decisions on the military national security services;
- c) prior to their appointment, the National Defence Committee shall hear the persons nominated to the offices of the directors general of military national security services, and shall take position on their suitability therefor.

(2) Only those Members of Parliament may be elected as members of the National Defence Committee, who have been cleared in terms of national security in accordance with the procedure specified in Section 19.

(3) The members of the National Defence Committee shall receive national security protection during the whole period of their mandate.

#### Section 18

(1) The meetings of the Committee and the National Defence Committee shall be held *in camera*, while exercising their competence of control and the competence specified in Section 17, respectively.

(2) The members of the Committee and the National Defence Committee shall be bound by the obligation of secrecy with respect to the information containing state and service secrets they became aware of in their capacity as such, which shall remain valid following the termination of their committee membership.

(3) The parliamentary control procedure of the Committee provided for in this Act shall not affect any other judicial or other proceedings specified in legal rules.

(4) In response to complaints or notifications received about the legal operation of the national security services, the Committee shall formulate its response in such a manner that no conclusions could be drawn therefrom regarding the intelligence gathering activities of the national security services.

#### Section 19

(1) Only those Members of Parliament may be elected as members of the Committee, who have been cleared in terms of national security as specified in this Act.

(2) In accordance with the rules on the clearing of persons nominated for important and confidential positions, the Speaker of Parliament shall initiate the national security clearing of the Members of Parliament nominated by the leader of the parliamentary panel to the Committee. The leaders of the parliamentary panels may nominate up to twice the number of candidates than that, which the parliamentary panel is entitled to nominate.

(3) With respect to Members of Parliament nominated to committee membership, the National Security Office shall carry out the national security clearing. In case a risk factor arises, the director general of the National Security Office shall inform the Member of Parliament concerned thereof.

(4) Following the national security clearing specified in subsection (3), the leader of the parliamentary panel shall draw up a recommendation containing the same number of candidates than that, which the parliamentary panel is entitled to nominate.

(5) If, in respect of the candidates listed in the recommendation, there is a risk factor, and the Committee has not yet been set up, the Minister in charge of the civil national security services shall inform the Speaker of Parliament and the leader of the parliamentary panel concerned about the risk factor.

(6) If, in respect of the candidates listed in the recommendation, there is a risk factor, and the new member has been elected to the Committee already in operation, the Minister in charge of the civil national security services shall inform the Committee and the leader of the parliamentary panel concerned about the risk factor.

(7) If the leader of the parliamentary panel concerned maintains the nomination even after receiving the information, the Speaker of Parliament and the Committee, with a majority of votes, shall decide on the further validity of the nomination in the cases specified in subsections (5) and (6), respectively.

(8) The members of the Committee shall receive national security protection during the whole period of their mandate.

#### *Staff of the National Security Services*

#### Section 20

(1) The staff of the national security services shall consist of professional individuals and civil servants. The detailed rules of professional service and civil service relations are established in separate Acts.

(2) The professional staff members of the military national security services shall belong to the effective force of the Hungarian Army. The legal rules on the service relations of professional soldiers shall apply to their service relations.

(3) The Minister is entitled to summon the professional staff members of the national security services to work in an organization that furthers the tasks of control.

#### Section 21

(1) The service relations of the professional staff members of the national security services shall be special service relations established for an indefinite period of time, in which the service is performed under subordination and exposed to enhanced hazards.

(2) Professional service relations may be established with able Hungarian citizens who have permanent residence in Hungary and a clean record, and who meet the school and professional qualification, and health, psychological, and physical aptitude conditions prescribed for their service position, who meet other requirements specified by the Minister, as well as who agree to a security clearing to be carried out for the establishment and maintenance of the service relations, and about whom the clearing does not reveal any risk factor.

(3) The suitability for service may also be checked at the establishment and during the existence of the service relations.

#### Section 22

(1) The professional staff member of the national security services

- a) shall qualify as a person holding an important and confidential position;
- b) may exercise his civic rights within the restrictions specified in this Act and in a separate Act on Service Relations;
- c) shall not be a member of any party, and shall not pursue political activity;
- d) shall give prior notice of his intent to join any public organization to the director general; the director general may forbid the membership, if it is incompatible with the profession or the service post, or if it interferes with or threatens the interests of the service (conflict of interest);
- e) may not pursue any activity that is unworthy of the legal relationship of professional service, or would jeopardize the impartial, uninfluenced fulfilment of the service duties;
- f) may establish any other legal relationship involving the performance of work, with the prior authorization of the director general; the authorization shall be denied in the cases specified in paragraph e), and when the establishment of the legal relationship is in conflict with the profession or the service post, when it may give opportunity for the abuse of the information obtained in connection with the service relations, or when it interferes with or threatens the interests of the service.

(2) The professional staff member of the national security services shall

- a) swear an oath,
- b) fulfil his duties specified for his service post in accordance with the statutory provisions,
- c) obey the orders of his superior, taking into consideration the provisions of Section 27,
- d) safeguard the national security interests of the Republic of Hungary by all legal means and, if necessary, at the expense of his life.

#### Section 23

(1) At the national security services, the civil servants shall fulfil scope of duties, in which the establishment of formal service relations with special requirements is not necessary.

(2) At the national security services, civil service relations may be established with individuals who fulfil the employment conditions contained in the Act on the Legal Status of Civil Servants, and who agree in writing to their security clearing being carried out for the establishment and maintenance of the legal relationship.

(3) A professional service post may be requalified as a civil service position, and a civil service position, as a professional service post. Provisions specified in a separate Act shall apply to the legal relationship of requalified individuals.

#### Section 24

The staff members of the national security services shall be bound by the obligation of secrecy with respect to state and service secrets concerning the national security services and the activities thereof that have come to their knowledge, which shall include both the keeping and safeguarding of state and service secrets. The Minister and the directors general of the national security services may grant exemption from the obligation of secrecy. The staff members of the national security services shall be bound by the obligation of secrecy even after the termination of their employment.

## Section 25

The professional staff members of the national security services may be given a secret service bonus up to 25% of their pay due based on their post. The posts entitling the staff members to the bonus shall be determined by the Minister, as recommended by the director general. This bonus shall not be taken into account when the bonus granted for the years of service is calculated.

*Operational Principles of the National Security Services*

## Section 26

The internal organization and the detailed rules of operation of the national security services, as well as their chain of command shall be determined in a such a way that individual responsibility can always be established.

## Section 27

(1) During the fulfilment of their duties, the professional staff members of the national security services shall carry out the orders of their superiors in service, unless they would obviously commit a crime by doing so.

(2) If the professional staff members of the national security services refuse compliance with an order received on the basis of subsection (1), they shall report this fact to the director general. The director general shall immediately forward the report to the Minister and the Committee.

(3) If the professional staff members of the national security services receive an order to carry out an unlawful activity, they shall draw the attention of their superior giving the order to this fact, however, they shall not refuse compliance with the order, with the exception contained in subsection (1).

(4) If the members of the national security services notice that the services operate unlawfully, they may report their observation in writing to the Minister. The Minister shall conduct an inquiry based on the report, and shall inform the Committee and the person submitting the report about the ordering of the inquiry and the findings thereof.

## Section 28

(1) The national security services shall co-operate in order to fulfil their tasks.

(2) The state organs and the national security services shall mutually support one another's work. The detailed rules of co-operation are laid down in separate agreements subject to statutory provisions.

(3) In the course of fulfilling their tasks, the national security services may co-operate with natural persons, legal entities, or unincorporated organizations. The detailed rules of co-operation may be laid down in separate agreements subject to statutory provisions.

(4) The national security services may co-operate with foreign secret services on the basis of international treaties and obligations.

(5) In order to meet security requirements, the national security services shall lay down rules of procedure for the provision of data for social insurance, health, tax settlement, budgetary, financial, and statistical purposes, for inspections carried out in the archives in the interest of protecting documents of lasting value, as well as for the use of foreign currency within the covering of special operating costs shall be laid down in separate agreements with the competent organizations, subject to statutory provisions.

### Section 29

(1) Within their scope of duties, the members of the Government may, subject to this Act, request the Minister to indicate information requirements for the national security services. The request shall be given reasons for, and it shall be indicated that the information cannot be obtained from any other source.

(2) The state organs shall supply the data required for the activity specified in Section 11, subsection (6) free of charge and as specified by the Government.

### Section 30

(1) In the interest of fulfilling the tasks defined in this Act, if initiated by the directors general of the national security services, state organs of special importance from the aspect of national security, economic organizations owned by the state on a permanent basis, plants and institutions that operate the central energy supply and telecommunications systems, produce and use internationally controlled products and technologies, and that are engaged in research in the war industry shall establish professional service, public or civil service relations or employment (hereinafter together: employment) with the staff members of the national security service who otherwise fulfil the employment conditions.

(2) In order to fulfil the tasks specified in this Act, the national security services may initiate employment for a period specified on the basis of a separate agreement with the organizations not coming under the force of subsection (1).

(3) The national security services may not initiate employment with courts of justice, public prosecutor's offices, the Constitutional Court, the State Audit Office, the Office of Parliamentary Commissioners, the Office of the President of the Republic, and the Office of Parliament.

(4) The special rules on the national security nature of the employment shall be contained in a separate agreement concluded by and between the national security services and the organization concerned, subject to the legal rules in force. The national security nature of the establishment of employment shall be a state secret, unless the parties concluding the agreement provide otherwise.

### *Measures Applicable by the National Security Services*

### Section 31

(1) The national security services shall not exercise the competence of investigating authorities.

(2) The professional staff members of the national security services may take the measures specified in Sections 32 to 36 in order to prevent the criminal acts falling within the scope of duties of the national security services and to apprehend the perpetrator of such criminal acts.

(3) During the fulfilment of their tasks, the national security services may impose restrictions on the rights connected to personal freedom, the inviolability of private homes, private affairs, and the secrets of correspondence, the protection of personal data, the publicity of information of public interest, and to the protection of possessions, in accordance with the provisions of this Act.

(4) The measure taken may not cause any inconvenience that is obviously disproportionate to the legal objective of the measure.

(5) In case means of coercion are employed in the course of taking the measure, the causing of injury shall be avoided if possible.

(6) Out of several possible and appropriate measures or means of coercion, that one shall be chosen, which, besides ensuring efficiency, brings about the least restriction, injury, or damage for the person affected by the measure.

#### Section 32

The professional staff members of the national security services may apprehend and arrest the perpetrator of a criminal act falling within the scope of duties of the national security services, caught in the very act, and may employ means of coercion (physical pressure) to this end. Following apprehension, arrest shall immediately be made.

#### Section 33

The professional staff members of the national security services may use handcuffs in the case provided for in Section 32, in order to

- a) prevent inflicting injury to self;
- b) prevent attack;
- c) prevent escape;
- d) break resistance put up

by the person who is or is to be restricted in his personal freedom.

#### Section 34

The professional staff members of the national security services are entitled to bear service fire-arms. The detailed rules on the bearing, use, and storage of service arms shall be established by the Minister.

#### Section 35

(1) The professional staff members of the national security services are entitled to use their fire-arms in accordance with the provisions of this Act. The fire-arms may be used voluntarily or, exceptionally, upon order.

(2) Only shots fired deliberately at an individual shall qualify as the use of fire-arm.

#### Section 36

(1) The professional staff members of the national security services may use their fire-arms, in addition to the cases of justifiable defence and emergency,

- a) to ward off attacks made against life or posing serious hazard to safety, or to ward off direct threats by the same;
- b) to prevent or interrupt the commission of criminal acts of the forced alteration of the constitutional order (CC, Section 139), destruction (CC, Section 142), espionage (CC, Section 147), genocide (CC, Section 155), imposing hazard to the public (CC, Section 259), acts of terrorism (CC, Section 261), and hijacking of aircraft (CC, Section 262);
- c) in the case of the unauthorized acquisition of state secrets related to the national security service by means of violence against a person or object, or an attempt aimed thereat;
- d) to ward off attacks carried out against or directly threatening the installation of the national security service.

- (2) The use of fire-arms shall be preceded by
  - a) summons to discontinue the illegal activity;
  - b) the use of other means of coercion;
  - c) a warning that the use of a fire-arm will follow;
  - d) a warning shot.
- (3) The measures preceding the use of fire-arms may be omitted partially or completely, if there is no time to take the preceding measures due to all the circumstances of the case, and the delay would pose direct hazard to a member of the professional staff, or the life or safety of another person.
- (4) During the use of fire-arms, the taking of anyone's life shall be avoided.
- (5) The use of a fire-arm and the firing of a warning shot shall be immediately reported to one's superior in service after the measure was taken, irrespective of the consequences thereof.
- (6) Except for justifiable defence and emergency, fire-arms shall not be used against visibly pregnant women and minors.

#### Section 37

- (1) The person concerned, or, if obstructed, his relative, may lodge a complaint against the measures taken by professional staff members of the national security services, as defined in Sections 32 to 36.
- (2) The complaint shall be submitted to the director general of the national security service within 8 days from the date when the measure became known to the person concerned. No complaint may be submitted after 5 years from the date of the disputed measure.
- (3) The director general shall make a decision on the subject of the complaint within 8 days from the date of receipt.
- (4) The complainant may lodge an appeal against the decision with the Minister, within 8 days from the date of its service. The Minister shall affirm, amend, or annul the decision of first instance within 8 days from the date of receipt.
- (5) An application for excuse may be submitted within 30 days reckoned from the defaulted deadline.
- (6) The person concerned may request the review of the decision made by the Minister in accordance with the rules in Chapter XX on the review of public administration decisions of the Code of Civil Procedure. Only the Metropolitan Court shall have jurisdiction over the procedure. The Court shall annul any illegal decision contested.

#### *Data Management by the National Security Services*

#### Section 38

In order to fulfil their tasks specified in this Act, the national security services shall manage personal data (including special data) and public data (hereinafter together: data).

#### Section 39

- (1) The national security services shall obtain data
  - a) through the voluntary or compulsory, as prescribed in this Act, supply of data by the person concerned;
  - b) from open sources;
  - c) through the supply of data by the organ managing the data;

d) through the gathering of intelligence.

(2) During the management of data, the national security services shall use means that are essential for attaining the given objective and, at the same time, restrict the personal rights of the person concerned the least.

(3) Persons holding or nominated to important and confidential positions shall disclose their personal data, including special ones, related to the security clearing specified in this Act, to the national security services carrying out the said clearing.

#### Section 40

(1) In order to fulfil their tasks, the national security services may request data, failing statutory provisions to the contrary, from any data management system, indicating the objective of requesting the data, and may have access to the systems and documents serving as basis for the records. The request for data shall be fulfilled also in respect of incomplete and fractional data. The fact of forwarding data shall be documented at both the delivering and the receiving organs.

(2) The national security services may request and use data, free of charge, from the records managed by state organs, financial institutions, insurance institutions, and organizations providing telecommunications services. Other data management organs may have their costs incurred due to the request of data by the national security services paid for subsequently.

(3) The national security services may use identification data of natural persons and other identification codes specified in a legal rule when requesting data from organizations in charge of the keeping records of the personal data and addresses of citizens, and as identification codes for internal use.

#### Section 41

(1) In order to fulfil their tasks, the national security services may order in writing the attachment of classification marks in the records kept by organs in charge of the keeping records of the personal data and addresses of citizens, the Ministry of the Interior, and the Police, as well as in other systems of records used for administration and cross-border traffic controlling purposes, indicating the objective of the measure to be taken.

(2) In the classification marks, the national security services may request the changing of data, or notification in case of a request regarding the person concerned, furthermore, with respect to cross-border traffic, may request in writing the stopping of the person concerned. The organ concerned shall take the measure contained in the request of the national security services.

(3) The national security services shall immediately take measures to eliminate the classifying marks, if the circumstances giving rise to them have ceased to exist.

#### Section 42

(1) The request of, access to, and supply of data by the national security services, the fact of the attachment of classification marks, as well as the contents of all the foregoing shall qualify as state secrets.

(2) The data management organ that has supplied data from and provided access to the data in the records it keeps for the national security services, and/or has attached a classification mark in its records at the request of the

national security services shall not inform the person concerned or other persons or organizations about the fact and contents of all these, or about the measures taken.

(3) The head of a data management organ or institution that does not have competence as authority may turn to the Minister with his complaint against the ordering of access to or the supply of data, with no delaying force.

### Section 43

The national security services may use the data they obtained only for the purpose serving as legal basis for the ordering of the acquisition of data, unless the data imply the realization of the fact of a criminal act to be prosecuted *ex officio*, or form a basis for the obligation of providing information for another national security service, and the organ receiving the data is itself entitled to obtain the data.

### Section 44

(1) In order to fulfil their tasks, the national security services may request data from one another, and shall supply data to one another on the basis of this Act.

(2) The Police, the Border Guards, the Customs and Excise Office, the courts of justice, the public prosecutor's offices, and the organs in charge of penal institutions are entitled to request data from the national security services, indicating the specific purpose thereof, to fulfil their tasks specified in the relevant Acts, within the scope defined therein.

(3) The supply of data by the national security services may not result in the disclosure of the person co-operating with the national security services (the sources data). In order to protect the method and source of intelligence gathering, the directors general of the national security services may impose restrictions on the use of the data delivered.

(4) The organs requesting the supply of data shall be responsible for the management of the data received in compliance with the provisions of this Act and the legal rules on data management, shall keep records of the data received and the use thereof, and, upon request, shall provide information thereof for the national security services.

### Section 45

On the basis of international obligations, the national security services may forward personal data to foreign data management agencies, subject to the legal rules on the protection of personal data.

### Section 46

The national security services shall keep records of the forwarding of personal data, which shall contain the

- a) application for data;
- b) identification code in the records of the organ requesting the data;
- c) date when the data are forwarded;
- d) duplicate copies of the documents containing the data supplied and other documents.

### Section 47

(1) In order to fulfil their specific tasks, the national security services may connect their data management systems of one another and of other state data management systems, if the conditions of data protection and data security are also fulfilled on the part of the other data management organ.

(2) The connection shall be terminated after the completion of the specific national security task, and the files produced during the connection shall be deleted after the completion of the procedure.

#### Section 48

(1) Based on national security interests or to protect third parties' rights, the director general of the national security service may refuse requests by the person concerned to receive information on the data managed by the national security services and from the records of data forwarding specified in Section 46, or to delete personal data from the latter, as well as requests for learning public data managed by the national security service.

(2) The national security services shall keep records of the requests received about the persons concerned, and shall inform annually the Commissioner of Data Protection about the requests, the manner of their consideration, and the reasons for declining them.

(3) The director general may restrict the right of access to data guaranteed in Section 11, subsection (3) of Act LXV of 1995 on State and Service Secrets to the person concerned with respect to his data classified as service secret of the national security services, based on national security interest.

#### Section 49

(1) The directors general shall provide for the prevention of unauthorized access to, communication, alteration, deletion, and destruction of data, and for protection that prevents unauthorized access (that is, data security).

(2) The national security services shall check the correctness of the personal data they manage on a regular basis. Data not corresponding with the facts shall be corrected, and in the course of data management, data that are based on facts shall be distinguished from data that are based on inference, opinion, or estimation.

(3) The national security services shall handle the data linked to their competence of authority separately from the other data.

### Section 50

(1) In order to fulfil their tasks specified in this Act, the national security services may take over from the records of the organs authorized for data management and may handle:

- a) data contained in security documents, for 10 years from the expiry of the validity thereof;
- b) documents issued during the supervision and direction of ciphering activities, for 10 years from the expiry of the validity thereof;
- c) data produced during the fulfilment of the tasks of national security clearing and protection, for 20 years from the termination of the post or office;
- d) personal data gathered in the scope of duties not listed in paragraphs a) to c), for 70 years from the termination of data collection;

(2) The personal data handled by the national security services shall be immediately deleted, if

- a) the period specified in subsection (1) has elapsed;
- b) a court of justice has ruled the deletion of the data in the course of data protection proceedings;
- c) the handling of the data is unlawful;
- d) in the case specified in Section 60, subsection (2);
- e) the handling of the data is obviously unnecessary.

(3) The obligation of deletion shall not apply to the personal data, with exception of the cases specified in subsection (2), paragraphs b) to d), the data medium of which shall be handed over for safekeeping at archives, pursuant to a legal rule on the protection of archival documents.

### Section 51

(1) In addition to the data containing state and service secrets, data on the

- a) installations and staff,
- b) procurement of equipment and other contracts,
- c) security clearing and protection tasks

of the national security services may be made public with the approval of the Minister or the directors general.

(2) The national security services shall inform the Commissioner of Data Protection about declining a request to learn the data specified in subsection (1) and the reasons of the decline annually.

### Section 52

(1) With respect to the national security services, the Parliamentary Ombudsman in charge of the protection of civil rights shall proceed in accordance with the provisions of a separate Act.

(2) During his procedure affecting the national security services, the Commissioner of Data Protection shall be eligible to the entitlements of the Parliamentary Ombudsman in charge of the protection of civil rights.

(3) In addition to the provisions of subsection (2), the Commissioner of Data Protection may have access to internal regulations and directives concerning the data management organization and operation of the national security services.

(4) The directors general shall promote the activities of the Parliamentary Ombudsman in charge of the protection of civil rights and the Commissioner of Data Protection, subject to this Act.

*Gathering of Intelligence*

Section 53

(1) In order to fulfil their tasks contained in Sections 4 to 9, the national security services may pursue the gathering of intelligence; this shall not extend to the fulfilment of the tasks specified in Section 4, paragraph h), and Section 8, subsection (1), paragraphs d) and e).

(2) The national security services may only use special means and methods of intelligence gathering, if the data required for the fulfilment of the tasks specified in this Act cannot be acquired in any other manner.

*Gathering of Intelligence Not Subject to Outside Authorization*

Section 54

(1) As part of the gathering of intelligence, the national security services

- a) may ask for information;
- b) may gather information by concealing the national security nature thereof;
- c) may establish secret contacts with private individuals;
- d) may establish and use information systems promoting the gathering of intelligence;
- e) may set a trap that does not cause injury or impair health;
- f) may prepare and use cover documents for the protection of their own staff members and the natural persons co-operating with them, as well as for the concealment of the national security nature involved;
- g) may establish and maintain cover organizations;
- h) may put the persons affected by their tasks under surveillance, together with the rooms, buildings, and other installations, sectors and route sections, vehicles, and events that may be associated with them, and may record the observations using technical means;
- i) in addition to the provisions of Section 56, may tap conversations, and may record the observations using technical means;
- j) may gather information from telecommunications systems and other data storage systems subject to licence.

(2) Law enforcement agencies may be used as cover organizations, and the documents thereof may be used as cover documents only with the information thereof of the competent Minister and the national head of the organization concerned.

Section 55

(1) With the prior consent of a public prosecutor appointed by the Chief Public Prosecutor, the national security services may agree with a person on the provision of information, by holding out the prospect of foregoing or terminating an investigation, when there are strong grounds for suspecting that the said person has committed some crime, if the national security interest in the co-operation with the person concerned is of higher importance than the interest in the assertion of the penal claim of the state.

(2) No agreement shall be concluded with a person who has committed a crime by which someone's life has been taken intentionally.

(3) The National Security Special Service shall not be eligible to the entitlement defined in subsection (1).

(4) In case an agreement is concluded, the national security services shall pay compensation for the damage that burdens the perpetrator pursuant to civil law. With respect to claims for damages, the state shall be represented by the Minister of Justice.

*Gathering of Intelligence Subject to Outside Authorization*

Section 56

On the basis of an outside authorization, the national security services

- a) may search an apartment in secret, and may record the observations using technical means;
- b) may monitor and record the events taking place in the apartment using technical means;
- c) may open and check letters and other postal matters, and may record the contents thereof using technical means;
- d) may learn communications transmitted via public telephone lines or telecommunications services substituting for them, and may record the observations using technical means.

Section 57

(1) The directors general of the Intelligence Office, the National Security Office, the Military Intelligence Office, the Military Security Office, and — with respect to the fulfilment of the task specified in Section 9, paragraph d) — of the National Security Special Service may submit proposals for the authorization of intelligence gathering specified in Section 56.

(2) The proposal shall contain the following:

- a) the place of the gathering of intelligence, the name or group of the person(s) concerned, and/or the available data suitable for identification;
- b) the denomination of the gathering of intelligence, and the reasons it is needed for;
- c) the beginning and end of the activity, given in days;
- d) in the case of a proposal for the authorization specified in Section 59, the reasons that it was definitely necessary to have it in the given matter for the successful operation of the national security service.

Section 58

(1) In the course of the fulfilment of the national security tasks specified in Section 5, paragraphs b), d), h) to j), and Section 7, paragraphs b), d), i) to k), the authorization for intelligence gathering shall be granted by the judge appointed by the President of the Metropolitan Court for this duty.

(2) In the course of the fulfilment of the national security tasks not coming under the force of subsection (1), the authorization for the gathering of intelligence listed in Section 56 shall be granted by the Minister of Justice.

(3) The judge or the Minister of Justice (hereinafter together: authorizer) shall make a decision within 72 hours from the submission of the proposal. He shall entertain the proposal, or shall reject it in case it is groundless. No appeal shall be admissible against the decision.

(4) The authorizer shall authorize the gathering of intelligence up to 90 days in each case. In justified cases, the authorizer may extend this period by another 90 days on the basis of proposals submitted by the directors general.

(5) When contemplating his decision on the extension of the period above, the judge may learn the data obtained and recorded during the gathering of intelligence in the given matter that he has permitted.

(6) The authorizer shall not inform the person concerned about the authorization procedure and the fact of intelligence gathering.

#### *Exceptional Authorization*

##### Section 59

(1) The directors general of the national security services may authorize the gathering of intelligence listed in Section 56 up until a decision is made by the authorizer, if having the intelligence gathering authorized by an outside organ would bring about a delay that would obviously interfere with the interest in the successful operation of the national security service in the given matter.

(2) In the case defined in subsection (1), the directors general of the national security services shall submit the proposal for outside authorization simultaneously with the granting of their authorization.

(3) Unless a new fact arises that directly threatens national security, the gathering of intelligence may be ordered only once in the same matter on the basis of the exceptional authorization specified in subsection (1).

#### *Termination of the Gathering of Intelligence Subject to Outside Authorization*

##### Section 60

(1) The gathering of intelligence subject to outside authorization shall be immediately terminated, if

- a) it has attained the objective set in the authorization document;
- b) no further results can be expected from its continued use;
- c) the deadline set for its completion has expired without extension;
- d) the gathering of intelligence is unlawful for any reason.

(2) In the case of the exceptional procedure specified in Section 59, subsection (1), the gathering of intelligence shall also be immediately terminated, if the authorizer does not allow the intelligence gathering to be continued. In this case the data obtained during the intelligence gathering shall be destroyed without delay, in accordance with the provisions of the Act on the Order of Destruction of Documents Containing State and Service Secrets.

#### *Other Rules Pertaining to Intelligence Gathering*

##### Section 61

(1) If the gathering of intelligence is carried out in accordance with the provisions of Section 8, subsection (1), paragraph a), the organ ordering the application thereof shall be responsible for obtaining the authorization required for the gathering of intelligence. The organ ordering the application shall be responsible for the legality of the application, while the National Security Special Service, for the implementation thereof.

(2) The National Security Special Service shall forward all data obtained during the gathering of intelligence carried out as part of its task to provide services to the organ ordering them, and the data forwarded shall be deleted from the records of the Special Service.

(3) The National Security Special Service shall keep a record of its tasks to provide services, which shall include

- a) the written request of the organ ordering the services, with the necessary authorization,
- b) the personal data required for the identification of the individuals indicated in the request,
- c) a description of the means and methods of intelligence gathering used in the given matter,
- d) a list of the data media forwarded to the organ ordering the services.

(4) The supplier of data shall be responsible for the authenticity of data, while the organ ordering the intelligence gathering shall be responsible for using them and for taking or failing to take the measures based on their use.

#### Section 62

The data obtained during the gathering of intelligence until they are possibly used as means of evidence in a criminal proceedings, furthermore, the identity of natural persons, legal entities, and unincorporated organizations co-operating with the national security service, as well as the fact and the technical details of intelligence gathering shall qualify as state secrets. The co-operating persons and organizations shall not make any data public related to their activities above without the authorization of the Minister or the directors general.

#### *Specific Rules of Economic Management Related to Intelligence Gathering*

#### Section 63

(1) In their budgets, the national security services may show a separated estimate to cover their special operating expenses related to their basic activities. The special operating expenses shall be shown as an aggregate amount, contrary to the general accounting rules.

(2) Expenses related to persons and equipment that are directly linked to the secret service activities of the national security services and to the means and methods of intelligence gathering shall qualify as special operating expenses.

(3) A 20% withholding tax shall be deducted from the amount paid by the national security services to co-operating private persons, and shall be paid to the taxation authority. Private persons shall not add this income to their total income, or include it in their tax return filed, and the payer shall not supply data thereof on an individual basis, or issue certificates to private persons.

#### Section 64

(1) In order to fulfil their tasks, the national security services may establish and maintain cover organizations in accordance with the provisions of the legal rules on the types of organizations used for cover-up. No budgetary organs may be established as cover organizations.

(2) The cover organizations shall be established and maintained based on the budget of the national security services. The expenses required therefor shall qualify as special operating expenses.

(3) If the cover organization is wound up, its assets shall be due to the national security services.

#### Section 65

Within the scope defined in Section 63, subsection (2), the national security services may administer foreign currencies without authorization from the exchange control authority.

#### Section 66

(1) The use of the special operating expenses of the national security services may only be overseen by an outside organ from the aspect of legality. Within this, no inspection with regard to expediency and efficiency may be carried out, except for Section 11, subsection (2), paragraph f).

(2) During the inspection of the economic management of the national security services by an outside organ, no data may be obtained by the inspecting organ that refer to the information generated through intelligence gathering or the source thereof or the specific nature of the intelligence gathering method.

### *Rules of National Security Protection and Clearing*

#### Section 67

(1) The goal of national security protection provided by the national security services (hereinafter: protection) shall be the detection and warding off of any concealed endeavours aimed at against the activities of persons listed in Schedule No. 1, and the illegal acquisition of protected information linked to the activities of such persons, hence interfering with or threatening the national security interests of the Republic of Hungary.

(2) In the course of the provision of protection, the national security services may only use the means and methods of gathering public information and intelligence concerning the person to be protected, if obtained his written consent.

(3) The national security services shall inform on a regular basis the person to be protected about the security measures taken and the individuals affected by the measures.

#### Section 68

(1) The goal of the national security clearing carried out by the national security services (hereinafter: clearing) shall be the examination of the question whether the persons nominated to or holding important and confidential positions fulfil the security conditions required for the legal operation of state life and the national economy.

(2) The examination of security conditions shall mean the exploration of risk factors, circumstances, and information, using which the activities of persons holding important and confidential positions may become exposed to influence or attack with unlawful purposes, and thus a situation may arise, which interferes with or threatens national security.

(3) A list of persons who hold important and confidential positions is contained in Schedule No. 2.

(4) According to the rules on persons nominated to important and confidential positions, a single security clearing shall be initiated with respect to the following persons prior to their appointment or mandate:

- a) judges authorizing the gathering of intelligence,
- b) all ministers,

- c) members of the Committee and the National Defence Committee, and experts participating in the procedures of these two committees,
- d) the public prosecutor appointed as defined in Section 55,
- e) persons co-operating with organs possessing secret information as defined in Act LXV of 1995 who, during the fulfilment of their tasks, may learn state secrets, or service secrets to be protected with security clearing on the basis of international obligations.

#### Section 69

- (1) The President of the Republic shall initiate the clearing of
  - a) the Commander and the Chief of Staff of the Hungarian Army,
  - b) the National Commander of Border Guards,
  - c) the senior officials of the Office of the President of the Republic.
- (2) The Speaker of Parliament shall initiate the clearing of
  - a) the Members of Parliament nominated to the National Security Committee and the Defence Committee of Parliament,
  - b) the senior officials of the Office of Parliament.
- (3) The Prime Minister shall initiate the clearing of
  - a) all the persons nominated to the offices of ministers,
  - b) state secretaries and senior civil servants with the same legal status,
  - c) the senior officials of the Prime Minister's Office,
  - d) the heads of organs with nationwide competence, their deputies, and other senior civil servants with the same legal status as the said heads.
- (4) The competent Minister shall initiate the clearing of
  - a) the deputy state secretaries and senior civil servants with the same legal status,
  - b) the ambassadors and consuls general heading independent consulates,
  - c) the heads of organs of central state administration under the direction of the Minister and other senior civil servants with the same legal status,
  - d) the heads of divisions within ministries and senior civil servants with the same legal status,
  - e) the national commanders of law enforcement agencies under their direction and their deputies, as well as the generals and persons appointed to posts established with the rank of generals,
  - f) the heads of economic organizations owned fully or in majority by the state,
  - g) the senior officers of banks, specialized financial institutions, and insurance institutions owned in majority by the state,
  - h) persons holding the positions specified by the competent Minister on the basis of paragraph 18 of Schedule No. 2.
- (5) The Minister of Defence or the Commander of the Hungarian Army shall order or initiate the clearing within the Hungarian Army of persons holding positions specified by the competent Minister.
- (6) The National Police Commissioner shall initiate the clearing of
  - a) police commissioners and police superintendents,
  - b) within the Police, persons holding positions specified by the competent Minister.
- (7) The National Commander of Border Guards shall initiate the clearing within the Border Guards of persons holding positions specified by the competent Minister.

(8) The national commanders of law enforcement agencies shall initiate the clearing within the law enforcement agencies of persons holding positions specified by the competent Minister.

(9) The directors general of the national security services shall initiate the clearing of the staff members of the national security services.

(10) The President of the Metropolitan Court shall initiate the clearing of persons nominated to the office of judges authorizing the gathering of intelligence.

(11) The Chairman of the National Security Committee shall initiate the clearing of persons nominated to be experts during the procedures of the Committee. The Chairman of the National Defence Committee shall initiate the clearing of persons nominated to be experts during the procedures of the National Defence Committee.

(12) The Chief Public Prosecutor shall initiate the clearing of the public prosecutor he appointed on the basis of Section 55.

(13) The head of the organ possessing secret information shall initiate the clearing of persons specified in Section 68, subsection (4), paragraph e) and Schedule No. 2, paragraph 19.

#### Section 70

(1) The clearing of nominees shall be initiated prior to their appointment to an important and confidential position.

(2) The clearing of persons holding an important and confidential position shall be initiated by the person entitled to initiate the clearing within his competence of deliberation, but at least once every five years.

(3) Persons (experts) applying for or offered the position or office subject to clearing shall be informed in advance about the possibility of a clearing to be ordered and the possible ways thereof.

(4) The clearing may only be carried out with the prior written consent of the persons nominated to or holding the important and confidential position (hereinafter together: person concerned).

(5) If the person concerned does not agree to the clearing, he shall not be employed in an important and confidential position.

(6) The person entitled to initiate the security clearing shall request the Minister in writing to order the clearing, with the simultaneous sending of the questionnaire specified in Section 71 to him. The Minister shall order the clearing.

#### Section 71

(1) At the request of the person entitled to initiate the clearing or of the person appointed by him, the person concerned shall fill in the security questionnaire specified in Schedule No. 3 prior to the initiation of the clearing.

(2) The persons specified in Section 68, subsection (4), and Schedule No. 2, paragraphs 1 to 17 shall fill in questionnaire "C" specified in Schedule No. 3.

(3) The competent Minister or the head of the organ possessing secret information shall determine the positions, on the basis of Schedule No. 2, paragraphs 18 and 19, regarding which the persons concerned shall fill in questionnaires "A", "B", or "C" specified in Schedule No. 3.

(4) If, in the course of the clearing using questionnaires "A" or "B", a piece of data arises that implies the existence of a risk factor, the national security

service conducting the clearing may recommend to the person initiating the clearing to have questionnaire "B" or "C" filled in.

(5) The clearing shall include the verification of the truth and the evaluation of the data provided in the questionnaire, as well as the exploration of other risk factors. The clearing shall be completed within 30 days from the date when it was initiated. This deadline may be extended once with another 30 days, with the simultaneous information of the person concerned and the person initiating the clearing.

(6) The clearing and the examination and evaluation of the risk factors shall be proportional to the secrecy and other security requirements linked to the holding of important and confidential positions.

(7) The national security service carrying out the clearing may consult the person concerned, may hear reference persons, may use data of records on persons and former clearings, may carry out data inspections in data management systems — if the data required cannot be acquired in any other manner — and may use means and methods of intelligence gathering. The national security service may carry out intelligence gathering subject to outside authorization, as specified in Section 56, only in the course of clearings linked to questionnaire "C".

#### Section 72

(1) On the basis of the information and data obtained in the course of the clearing, the national security service shall draw up an expert's report, which shall contain all security risk factors encountered. The expert's report shall be countersigned by the Minister. The national security services shall inform the person initiating the clearing about the expert's report. Should the provision of information fail to take place, the national security service shall be held responsible therefor.

(2) The person initiating the clearing shall inform the person concerned about the completion of the clearing and the contents of the security expert's report, except for any circumstance implying the commission of a criminal act.

(3) The person concerned may lodge a complaint with the Minister, or subsequently, with the Committee, concerning the findings in the security expert's report he deems untrue, on the basis of Section 11, subsection (5).

(4) When contemplating his decision, the person initiating the clearing shall be free to consider the information received from the national security service, with the restriction mentioned in Section 19, subsection (7) involving the Speaker of Parliament.

(5) The questionnaire completed for the clearing and the data obtained by the services during the clearing shall qualify as state secrets.

#### *Closing Provisions*

#### Section 73

If there is a layoff at the national security services, Chapter IV, Section 23, subsection (2) and the rules on the provision of information to labour centres of Act IV of 1991 on the Furthering of Employment and Provisions for the Unemployed shall not apply.

#### *Interpretative Provisions*

## Section 74

For the purposes of this Act

- a) national security interest: the ensuring of the sovereignty and the safeguarding of the constitutional order of the Republic of Hungary, including
  - the detection of any endeavours with offensive intentions against the independence and territorial integrity of the country,
  - detection and warding off of any concealed endeavours interfering with or threatening the political, economic, and defence interests of the country,
  - acquisition of information on foreign countries or of foreign origin required for government decisions,
  - detection and warding off of any concealed endeavours aimed at the alteration or disturbance of the constitutional order of the country ensuring the exercising of fundamental human rights, the democracy of representation based on a multi-party system, and the operation of constitutional institutions,
  - detection and preventing of acts of terrorism, illegal arms and drug trafficking, as well as the illegal circulation of internationally controlled products and technologies;
- b) state organ: ministries, organs of public administration with nationwide competence, public prosecutor's offices, the armed forces (the Hungarian Army and the Border Guards), and law enforcement agencies;
- c) law enforcement agency: the civil national security services, the police, the state organs of civil defence, the professional fire departments, the Customs and Excise Office, and the penal organizations;
- d) apartment: any and all rooms or areas other than public places or places open to the public;
- e) relative: a spouse, a relative of lineal descent, an adoptive, foster or step-child, an adoptive, foster, or step-parent, a sibling, a common-law spouse, the spouse of a relative of lineal descent, a fiancé(e), a relative of linear descent and sibling of a spouse, as well as the spouse of a sibling.

## Section 75

- (1) Where a legal rule mentions armed forces and bodies, they shall also mean the civil national security services.
- (2) Failing a provision to a contrary effect, where a legal rule mentions law enforcement agencies or security organs, they shall also mean civil national security services.
- (3) Where a legal rule mentions a supervising minister with respect to the national security services, it shall also mean the competent Minister in charge of the civil national security services.

*Entry into Force*

## Section 76

- (1) This Act shall come into force on the 90th day following its promulgation, except for the provisions of subsection (2) to (4).
- (2) The provision under Section 25 shall come into force on 1 January 1996.
- (3) Section 63, subsection (3) and Section 89, subsection (3) shall come into force on 1 January 1997.

(4) Section 14, subsection (4), paragraph c) to e), Section 15, and Section 27, subsections (2) and (4) shall come into force after the Committee is formed in accordance with Section 19.

(5) Section 16, subsection (2) and Section 19, subsection (1), paragraph h) of Act LXV of 1995 on State and Service Secrets shall come into force on the 90th day following the promulgation of this Act.

### *Authorizing Provisions*

#### Section 77

(1) The Government shall be authorized to establish, in decrees,

a) the order of the professional direction and supervision as by an authority of ciphering activities;

b) the security documents, the scope of activities and competence of the organization entitled to the keeping in safety of security documents, and the rules of procedure of the safekeeping of security documents;

c) the order and rules of co-operation between organizations entitled to gather intelligence and organizations providing telecommunications services, in the interest of providing for the conditions of intelligence gathering.

(2) The Government shall be authorized to establish, in decisions,

a) the rules of competence of the national security services, and the rules of co-operation with one another and with other organs;

b) the main directions of the activities of the national security services;

c) the order of activities of the national security services and other state organs aimed at the provision of information, as well as the organizational framework and detailed rules of the evaluation and use of national security information;

d) the organs and facilities under national security protection.

(3) Within six months of the entry into force of this Act, the Government shall ensure the operation of the military national security services and the organizations thereof in accordance with Section 2, subsection (1) of this Act.

#### Section 78

(1) The Minister shall be authorized to establish, in decrees,

a) the order of the management of housing by the national security services and the assistance provided by the employers to their employees for housing purposes;

b) the order of the introduction and bearing of service arms, and the detailed rules on the use thereof;

c) the order of entering the facilities of the national security services;

d) the order of awarding ministerial recognition.

(2) The Minister shall be authorized to establish, in directives,

a) the special conditions of suitability for service, and the rules of checking the conditions of suitability;

b) the general rules of the procedure of the national security services related to the establishment and maintenance of their cover organizations;

c) all the procedures that are prescribed by the legal rule on the reporting and bookkeeping obligations of organs having their economic management based on the state budget;

d) a list of the heads of national security services entitled to protection, and the detailed rules of protective measures.

(3) The competent Minister shall be authorized to establish, in a decree, the positions, which shall qualify as important and confidential positions on the basis of Schedule No. 2, paragraph 18, and shall determine the level of security clearings with respect to such positions.

*Legal Rules and Provisions Repealed*

Section 79

Simultaneously with the entry into force of this Act, the following shall cease to have effect:

- a) Act X of 1990 on the Provisional Regulation of the Authorization of the Special Means and Methods of Secret Services;
- b) the last sentence of Section 26, subsection (3) of Act LXIII of 1992 on the Protection of Personal Data and the Publicity of Information of Public Interest;
- c) Law Decree No. 66 of 1957 on the Holding of Important and Confidential Positions;
- d) The second sentence of Section 52 of Law Decree No. 10 of 1971 on the Service Relations of the Professional Effective Force of the Armed Forces and Armed Bodies;
- e) the text part pertaining to the national security services of Section 4 and Section 11, subsection (1) of Law Decree No. 17 of 1974 on State and Public Security, Section 11, subsections (5) to (7) thereof, as well as Act LI of 1990 on the Amendment of Law Decree No. 17 of 1974;
- f) Government Decree No. 26/1990 (II. 14.) MT on the Provisional Regulation of the Fulfilment of National Security Tasks, Government Decree No. 90/1990 (V. 2.) MT amending it, Government Decree No. 98/1990 (VI. 11.) MT, and Government Decree No. 38/1990 (IX. 14.) Korm., as well as Section 20, subsection (3) of Government Decree No. 43/1994 (III. 29.) Korm.;
- g) Section 11, paragraph g) and Section 77 of Act CX of 1993 on National Defence;
- h) Section 13 of Government Decree No. 166/1992 (XII. 18.) Korm. amending Government Decree No. 61/1990 (X. 1.) Korm. on the Authorization of the Circulation of Certain Internationally Controlled Products and Technologies;
- i) Section 5, subsections (1) to (3) and Section 6, subsection (2) of Government Decree No. 85/1994 (V. 31.) Korm. on Certain Rules of the Budgetary Management and the Reporting and Bookkeeping Obligations of the National Security Services;
- j) Government Decree No. 108/1994 (VII. 21.) Korm. on the duties of Dr Béla Katona, Minister without Portfolio.

*Provisions Amended*

Section 80

Section 28, subsection (3) of Act I of 1968 on Petty Offences shall be complemented by the following provision:

*[Section 28, subsection (3) For the purposes of contravention provisions, the following shall be regarded as servicemen:]*

"the professional staff members of the civil national security services."

Section 81

(1) Paragraph 1, subparagraph f) of the Schedule to Act V of 1972 on the Public Prosecutor's Offices of the Republic of Hungary (hereinafter: PPA) shall be replaced by the following provision:

*(I. Criminal acts falling exclusively within the competence of investigations by the public prosecutor shall be the following:)*

"f) non-military crimes committed by the members of the effective force of the police, as well as non-military and non-service-related crimes committed by members of the effective force of the armed forces and the professional staff of the civil national security services."

(2) The last indent of paragraph 2 of the Schedule to PPA shall be replaced by the following provision:

*(The following shall fall exclusively within the competence of investigations by the military prosecutor:)*

" — crimes committed by a member of the effective force of the armed forces or the professional staff of the civil national security services at the place of service and/or in relation to his service."

## Section 82

(1) Section 127 of Act I of 1973 on Criminal Proceedings, as amended several times, (hereinafter: CPA), shall be complemented by the following subsection

(2), and subsection (3) shall be replaced by the following provision:

"(2) In case there are strong grounds for suspecting that a crime has been committed, the investigating authority may, with the prior consent of the public prosecutor, decline the investigation, if the national security or criminal investigation interest in the co-operation with the person suspected on strong grounds to be the perpetrator is of higher importance than the interest in the assertion of the penal claim of the state.

(3) If the investigating authority declines the investigation due to some national security interest, the public prosecutor appointed by the Chief Public Prosecutor is entitled to approve the decision."

(2) CPA shall be complemented by the following Section 129/A:

"Section 129/A

(1) If the investigation is declined by the authority on the basis of Section 127, subsection (2), the state shall pay compensation for the damage that burdens the perpetrator pursuant to civil law.

(2) With respect to claims for damages, the state shall be represented by the Minister of Justice.

(3) If the investigation is declined by the court of justice on the basis of Section 127, subsection (2), the financial legal consequences of the criminal act judged in its decision shall be decided on in civil proceedings, the court of justice may not establish that the perpetrator did not commit the crime."

(3) CPA shall be complemented by the following Section 129/B:

"Section 129/B

If the investigation is declined by the court of justice on the basis of Section 127, subsection (2), the decision shall consist of an operative part and the date. The operative part shall include:

- a) the indication of the criminal act,
- b) the fact that the investigation is declined,
- c) information on how the damage incurred in connection with the criminal act may be enforced against the state."

## Section 83

(1) Section 139 of CPA shall be complemented by the following subsection (2), and subsection (3) shall be replaced by the following provision:

"(2) In case there are strong grounds for suspecting that a crime has been committed, the investigating authority may, with the prior consent of the public prosecutor, terminate the investigation, if the national security or criminal investigation interest in the co-operation with the person suspected on strong grounds to be the perpetrator is of higher importance than the interest in the assertion of the penal claim of the state.

(3) If the investigating authority terminates the investigation due to some national security interest, the public prosecutor appointed by the Chief Public Prosecutor is entitled to approve the decision."

(2) CPA shall be complemented by the following Section 141/A:

"Section 141/A

(1) If the investigation is terminated by the authority on the basis of Section 139, subsection (2), the state shall pay compensation for the damage that burdens the perpetrator pursuant to civil law.

(2) With respect to claims for damages, the state shall be represented by the Minister of Justice.

(3) If the investigation is declined by the court of justice on the basis of Section 139, subsection (2), the financial legal consequences of the criminal act judged in its decision shall be decided on in civil proceedings, the court of justice may not establish that the perpetrator did not commit the crime."

(3) CPA shall be complemented by the following Section 141/B:

"Section 141/B

If the investigation is declined by the court of justice on the basis of Section 139, subsection (2), the decision shall consist of an operative part and the date. The operative part shall include:

- a) the indication of the criminal act,
- b) the fact that the investigation is declined,
- c) information on how the damage incurred in connection with the criminal act may be enforced against the state."

## Section 84

(1) Section 331, subsection (1) of CPA shall be amended as follows:

"(1) Military criminal proceedings shall be admissible in the case of military crimes (CC, Chapter XX) committed by a serviceman during his service relations [CC, Section 122, subsection (1)] and other crimes committed by a member of the effective force of the armed forces and the professional staff of the civil national security services at the place of service and/or in relation to his service."

## Section 85

Section 122, subsection (1) of Act IV of 1978 on the Criminal Code shall be amended as follows:

"(1) For the purposes of this Act, members of the effective force of the armed forces and the police, and the professional staff members of the civil national security services shall be deemed servicemen."

## Section 86

The first sentence of Section 3, subsection (2) of Act VII of 1989 on Strikes shall be complemented by the following provision:

*[Section 3, subsection (2) No strike shall be admissible]*

"and at the civil national security services."

#### Section 87

Section 16, subsection (2) of Act XXXVIII of 1989 on the State Audit Office shall be amended as follows:

(2) The State Audit Office shall oversee the economic management of the [political] parties, the use of contributions disbursed by Parliament on the basis of a separate Act to the parliamentary panels of the parties, as well as the data on the issue of banknotes and coins by the National Bank of Hungary and use of the allocations for special operating expenses by the national security services from the aspects of legality."

#### Section 88

(7) Section 32 of Act LXXII of 1992 on Telecommunications shall be complemented by the following subsection (7):

"(7) The organizations providing telecommunications services shall co-operate with the organs entitled in a separate Act to gather intelligence, and shall provide for the conditions of using the means and methods of intelligence gathering."

#### Section 89

(1) Section 64 of Act XXXIV of 1994 on Police (hereinafter: PA) shall be complemented by the following subsection (4):

"(4) Law enforcement agencies may only be used as cover organizations for national security services, their documents, as cover documents, if the competent Minister and the national head of the organization concerned are informed thereof."

(2) Section 67, subsection (1) of PA shall be replaced by the following provision, and Section 67 shall be complemented by the following subsection (3):

"(1) With the consent of the public prosecutor, the Police may agree with the perpetrator of a crime by holding out the prospect of declining or terminating the investigation, if the interest in the purpose of the criminal investigation achievable through an agreement is of higher importance than the interest in the assertion of the penal claim of the state."

"(3) No agreement shall be concluded with a person who has committed a crime by which someone's life has been taken intentionally."

(3) The first sentence of Section 95, subsection (2) of PA shall be amended as follows:

"(2) A 20% withholding tax shall be deducted from the amount paid by the Police on the basis of subsection (1) to co-operating private persons, and shall be paid to the taxation authority."

#### Section 90

(1) Section 16, subsection (2) of Act LXV of 1995 on State and Service Secrets shall be amended as follows:

"(2) In the case of a state secret, or a service secret to be protected with security clearing on the basis of an international obligation, the person

possessing secret information as defined in the Act on the National Security Services shall make himself subject to security clearing."

(2) Section 9, subsection (3) of Act LV of 1990 on the Legal Status of Members of Parliament shall be complemented by the following text part:

"With respect to the sphere of state secrets generated during the operation of the Military Security Office and the Military Intelligence Office, this entitlement shall be subject to Section 17 of Act CXXV of 1995 on the National Security Services."

#### Section 91

Section 10, paragraph h) of Act CX of 1993 on National Defence shall be replaced by the following provision:

"h) shall head the Ministry of Defence and, pursuant to the provisions of the Act on the National Security Services, shall directly direct the military national security services, and shall direct the activities and operation of other organs assigned to be within his competence."

(Sgd) Árpád Göncz

President of the Republic

(Sgd) Dr Zoltán Gál

Speaker of Parliament

*Schedule No. 1 to Act CXXV of 1995*

Offices subject to protection:

1. President of the Republic,
2. Prime Minister,
3. Speaker of Parliament his deputies,
4. President and members of the Constitutional Court,
5. President of the Supreme Court and his deputies,
6. ministers,
7. Chief Public Prosecutor and his deputies,
8. President and vice-presidents of the State Audit Office,
9. parliamentary commissioners and the general deputy of the Parliamentary Ombudsman in charge of the protection of civil rights,
10. members of the National Security and Defence Committees of Parliament,
11. judges authorizing the gathering of intelligence,
12. public prosecutors appointed by the Chief Public Prosecutor on the basis of Section 55,
13. Governor of the National Bank of Hungary and his deputies.

*Schedule No. 2 to Act CXXV of 1995*

Persons holding important and confidential positions:

1. ambassadors and consuls general heading independent consulates,
2. state secretaries and senior civil servants with the same legal status,
3. deputy state secretaries and senior civil servants with the same legal status,
4. heads of organs with nationwide competence, their deputies, and other senior civil servants with the same legal status as the said heads,
5. heads of organs of central state administration under the direction of the Minister and other senior civil servants with the same legal status,
6. senior officials of the Office of Parliament,
7. senior officials of the Office of the President of the Republic,
8. senior officials of the Prime Minister's Office,
9. Commander and Chief of Staff of the Hungarian Army,
10. National Commander of Border Guards,
11. national commanders of the law enforcement agencies and their deputies,
12. National Police Commissioner, his deputies, and police commissioners and police superintendents,
13. generals and persons appointed to posts established with the rank of generals,
14. heads of divisions within ministries and senior civil servants with the same legal status,
15. heads of economic organizations owned fully or in majority by the state,
16. senior officers of banks, specialized financial institutions, and insurance institutions owned in majority by the state,
17. staff members of the national security services,
18. other persons holding positions within ministries, organs with nationwide competence, the armed forces, and law enforcement agencies, as specified by the competent minister who, during their work, may learn state secrets, or service secrets to be protected with security clearing on the basis of international obligations, or whose positions are threatened by outside concealed attacks,
19. persons specified by the heads within organs possessing secret information as defined by Act LXV of 1995 who do not come under the force of paragraph 18 and who, during their work, may learn state secrets, or service secrets to be protected with security clearing on the basis of international obligations.

Schedule No. 3 to Act CXXV of 1995

**Strictly confidential!**  
**Highly important!**  
**(after completion)**

**SECURITY QUESTIONNAIRE**

for the security clearing of persons nominated to or holding important and confidential positions

**Clearing "A"**

General personal data	
1.	Last and first name:
2.	Former names (maiden name):
3.	Place, year, month, and day of birth:
4.	Mother's name:
5.	Identity card No.:
Citizenship data	
6.	Present citizenship:
7.	Former citizenship (indication of country, date, document No.):
8.	In the case of a foreign or dual citizenship:
	beginning of residence in Hungary:
	title, status:
	residence permit No., date, name of issuing authority:
	passport No.:
	name of authority dealing with the application for permanent resident status or immigration:
	date of submission of application for naturalization, citizenship, name of proceeding authority:
Data on marital status and relatives	
9.	Marital status: married, single, divorced, living common-law, widowed
10.	Present spouse's or common-law spouse's
	last and first name:
	former name (maiden name):
	place, year, month, and day of birth:
	mother's name:
11.	Children's personal data:
	last and first name:
	place, year, month, and day of birth:
	mother's name:
	last and first name:
	place, year, month, and day of birth:
	mother's name:
Data on home address, place of residence	
12.	Permanent home address at present (city/town, district, street, No., staircase, floor, door):

13.	Temporary address:
14.	Place of residence, where can be contacted, address, phone No. (if other than permanent and temporary address):
Data on schools completed	
15.	Highest degree held, certificate No., date:
16.	Name of educational institution issuing it:
Employment data	
17.	Present occupation and post:
18.	Name and address of employer:
Military data	
19.	Have you done military service (when, where; special military qualification)?

Data on criminal and contravention proceedings	
20.	<p>Have any criminal proceedings been instituted against you within 15 years reckoned from the date of your statement, which ended with punishment (if your answer is "yes", please give details when, where, why, naming the proceeding court and indicating the magnitude of the punishment and the date of being exempted)?</p> <p>Have any contravention proceedings been instituted against you within 5 years reckoned from the date of your statement, which ended with punishment (if your answer is "yes", please give details — except for traffic infractions — when, where, why, naming the proceeding authority and indicating the magnitude of the punishment)?</p>
21.	Do you have at present any pending criminal or petty offence case (if your answer is "yes", please give details why; proceeding court, authority)?
Special data	
22.	When employed in Hungary or abroad, have you worked in any position prior to which you had to fill in a security questionnaire or make a security statement (if your answer is "yes", please indicate the workplace, name your post, and give its date)?
23.	Do you know of any circumstance (risk factor), the indication of which you deem important from the viewpoint of security clearing (e.g. any addiction, information serving as basis for the compromising or blackmailing of yourself, etc.)?

**Type "A"****SECURITY STATEMENT**

I hereby declare that the data I provided correspond to the facts.

I agree that the national security services gather information on my person within the framework of security clearing as specified in Act CXXV of 1995 on the National Security Services. I understand that if the necessary data cannot be obtained in other ways, the national security services may gather intelligence on my person, with the exception of the means subject to outside authorization, in accordance with the Act. I understand that the national security services will also take the necessary steps of security clearing with respect to the unanswered queries.

I have filled in the questionnaire being aware that with the answers to the queries I am not obliged to accuse myself or any of my relatives with the commission of any crime.

Dated in Budapest, ..... 1995.

.....  
signature, address

**Statement by spouse, common-law spouse, and adult relative living in  
the same household**

I have been informed that the security clearing of my spouse, common-law spouse, relative may affect my person as well; within its scope, if the necessary data cannot be obtained in other ways, the national security services may gather intelligence, with the exception of the means authorized by the Minister of Justice.

Dated in Budapest, ..... 1995.

.....  
signature, address

**Strictly confidential!  
Highly important!  
(after completion)**

**SECURITY QUESTIONNAIRE**

for the security clearing of persons nominated to or holding important and confidential positions

**Clearing "B"**

General personal data	
1.	Last and first name:
2.	Former names (maiden name):
3.	Place, year, month, and day of birth:
4.	Mother's name:
5.	Identity card No.:
Citizenship data	
6.	Present citizenship:
7.	Former citizenship (indication of country, date, document No.):
8.	In the case of a foreign or dual citizenship: beginning of residence in Hungary: title, status: residence permit No., date, name of issuing authority: passport No.: name of authority dealing with the application for permanent resident status or immigration: date of submission of application for naturalization, citizenship, name of proceeding authority:
Data on marital status and relatives	
9.	Marital status: married, single, divorced, living common-law, widowed
10.	Present spouse's or common-law spouse's last and first name: former name (maiden name): place, year, month, and day of birth: mother's name: citizenship (see items 6, 7, 8): occupation and position held: name and address of workplace:
11.	Children's personal data: last and first name: former name (maiden name): place, year, month, and day of birth: mother's name: citizenship (see items 6, 7, 8): occupation and position held: name and address of workplace:
12.	Data on persons of over 18 years of age, living in the same household as you do, and not listed above:

	last and first name:
	former name (maiden name):
	place, year, month, and day of birth:
	mother's name:
	citizenship (see items 6, 7, 8):
	occupation and position held:
	name and address of workplace:
13.	Relatives living abroad:
	last and first name:
	place, year, month, and day of birth:
	home address:
	occupation and workplace:
	citizenship:
	degree of relationship by affinity:

Data on home address, place of residence	
14.	Permanent home address at present (city/town, district, street, No., staircase, floor, door):
15.	Temporary address:
16.	Place of residence (if other than permanent and temporary address):
17.	Previous permanent and temporary home addresses, where you lived for more than 3 months (for the last 5 years):
18.	In case you lived abroad for more than 6 months, please indicate your addresses abroad and the reason for your living abroad (for the last 15 years):
Data on schools completed	
19.	Highest degree held — for studies pursued abroad as well — name and address of educational institution, duration of the education/training, date of graduation; No. and date of certificate of degree and qualification:
Employment data	
20.	Present occupation and post, name and address of employer:
21.	Former occupations, posts, and positions — with the indication of the dates thereof (for the last 5 years) — names and addresses of employers:
Military data	
22.	Have you done military service (when, where; special military qualification)?
Data on income and financial circumstances	
23.	Gross total annual income from full-time work:
24.	Sources of income exceeding the gross amount of HUF 500,000 besides full-time work:
25.	Debts and financial obligations to the taxation authority, social insurance organization, financial institutions for the last 5 years:
26.	Have any execution proceedings been instituted against you or your enterprise over the last 5 years? If they have been, why?
27.	Do you have interests in Hungarian or foreign economic organizations? name and address of the economic organization:

	scope of its activities:
	nature of the interest involved (owner, joint owner, member of executive body, advisor, etc.):
Data on criminal and contravention proceedings	
28.	<p>Have any criminal proceedings been instituted against you or your spouse (common-law spouse) within 15 years reckoned from the date of your statement, which ended with punishment (if your answer is "yes", please give details when, where, why, naming the proceeding court and indicating the magnitude of the punishment and the date of being exempted)?</p> <p>Have any contravention proceedings been instituted against you or your spouse (common-law spouse) within 5 years reckoned from the date of your statement, which ended with punishment (if your answer is "yes", please give details — except for traffic infractions — when, where, why, naming the proceeding authority and indicating the magnitude of the punishment)?</p>
29.	Do you have at present any pending criminal or petty offence case (if your answer is "yes", please give details — except for traffic infractions — why; proceeding court, authority)?

Special data	
30.	When employed in Hungary or abroad, have you worked in any position prior to which you had to fill in a security questionnaire or make a security statement (if your answer is "yes", please indicate the workplace, name your post, and give its date)?
31.	Have you detected during you career any circumstance, which implies the presence of a foreign intelligence service (attempts at establishing contact, signing on as a spy, compromising)? If you have, please elaborate.
32.	To what extent do you maintain private relationships with foreign citizens? Please name your most important relationships, maximum 10 people:
	last and first name:
	place, year, month, and day of birth:
	home address:
	occupation and workplace:
	citizenship:
	nature and brief characterization of the relationship:
33.	Do you have or have you had relationship with a person who — to your knowledge — is at present or has been a senior official of a foreign government? (If you do or have, please elaborate.)
34.	Do you have or have you had contact with a person who — to your knowledge — is or has been employed by foreign intelligence service or the cover organization thereof? (If you do or have, please elaborate.)

35.	Do you know of any circumstance (risk factor), the indication of which you deem important from the viewpoint of security clearing (e.g. any addiction, information serving as basis for the compromising or blackmailing of yourself, etc.)?
36.	Do you have relationship with any organization, movement, or group, etc., which denies the constitutional principles of a democratic constitutional state, or which pursues activities of such nature? (If you do, please elaborate.)

**Type "B"****SECURITY STATEMENT**

I hereby declare that the data I provided correspond to the facts.

I agree that the national security services gather information on my person within the framework of security clearing as specified in Act CXXV of 1995 on the National Security Services. I understand that if the necessary data cannot be obtained in other ways, the national security services may gather intelligence on my person, with the exception of the means subject to outside authorization, in accordance with the Act. I understand that the national security services will also take the necessary steps of security clearing with respect to the unanswered queries.

I have filled in the questionnaire being aware that with the answers to the queries I am not obliged to accuse myself or any of my relatives with the commission of any crime.

Dated in Budapest, ..... 1995.

.....  
signature, address

**Statement by spouse, common-law spouse, and adult relative living in  
the same household**

I have been informed that the security clearing of my spouse, common-law spouse, relative may affect my person as well; within its scope, if the necessary data cannot be obtained in other ways, the national security services may gather intelligence, with the exception of the means authorized by the Minister of Justice.

Dated in Budapest, ..... 1995.

.....  
signature, address

**Strictly confidential!  
Highly important!  
(after completion)**

**SECURITY QUESTIONNAIRE**

for the security clearing of persons nominated to or holding important and confidential positions

**Clearing "C"**

General personal data	
1.	Last and first name:
2.	Former names (maiden name):
3.	Place, year, month, and day of birth:
4.	Mother's name:
5.	Identity card No.:
Citizenship data	
6.	Present citizenship:
7.	Former citizenship (indication of country, date, document No.):
8.	In the case of a foreign or dual citizenship: beginning of residence in Hungary: title, status: residence permit No., date, name of issuing authority: passport No.: name of authority dealing with the application for permanent resident status or immigration: date of submission of application for naturalization, citizenship, name of proceeding authority:
Data on marital status and relatives	
9.	Marital status: married, single, divorced, living common-law, widowed
10.	Present spouse's or common-law spouse's last and first name: former name (maiden name): place, year, month, and day of birth: mother's name: citizenship (see items 6, 7, 8): occupation and position held: name and address of workplace:
11.	Children's personal data: last and first name: former name (maiden name): place, year, month, and day of birth: mother's name: citizenship (see items 6, 7, 8): occupation and position held: name and address of workplace:
12.	Data on persons of over 18 years of age, living in the same household as you do, and not listed above:

	last and first name:
	former name (maiden name):
	place, year, month, and day of birth:
	mother's name:
	citizenship (see items 6, 7, 8):
	occupation and position held:
	name and address of workplace:
13.	Your or your (common-law) spouse's relatives living abroad:
	last and first name:
	place, year, month, and day of birth:
	home address:
	occupation and workplace:
	citizenship:
	degree of relationship by affinity:
Data on home address, place of residence	
14.	Permanent home address at present (city/town, district, street, No., staircase, floor, door):
15.	Temporary address:
16.	Place of residence (if other than permanent and temporary address):
17.	Previous permanent and temporary home addresses, where you lived for more than 3 months (for the last 15 years):
18.	In case you lived abroad for more than 6 months, please indicate your addresses abroad and the reason for your living abroad (for the last 15 years):
Data on schools completed	
19.	Please list the educational institutions, beginning with your highschool studies, which you attended as a student (name and address of educational institution, duration of the education/training, date of graduation; No. and date of certificates of degree and qualification):
20.	In the case of studies pursued abroad, name and address of educational institution, duration of the education/training, date of graduation; No. and date of certificate of degree and qualification:
21.	Academic degree held (where, when, and in what subject did you obtain it?):
22.	Professional and academic publications (title, place and date of publication, subject):
23.	Foreign languages spoken, their level:
Employment data	
24.	Present occupation and post, name and address of employer:
25.	Former occupations, posts, and positions — with the indication of the dates thereof (for the last 15 years) — names and addresses of employers: If your employment was terminated on the initiative of the employer, please elaborate the circumstances of and reasons for it.
Military data	
26.	Have you done military service (when, where; special military qualification)?
Data on income and financial circumstances	
Your and your (common-law) spouse's:	

27.	Gross total annual income from full-time work:
28.	Sources of income exceeding the gross amount of HUF 500,000 per annum besides full-time work:
29.	Debts and financial obligations to the taxation authority, social insurance organization, financial institutions for the last 15 years:
30.	Do you have interests in any economic organization registered with a court of registration in Hungary?
	name, address, and scope of activities of the economic organization:
	nature of the interest involved (owner, joint owner, member of executive body, advisor, etc.):
31.	Do you have official relationship with any economic organization registered abroad? Nature of the co-operation/relationship:
	name and address of the economic organization:
	scope of activities:
	place of company registration:
32.	Have any execution proceedings been instituted against you or your enterprises over the last 15 years (if your answer is "yes", please give details when, where, why; name of the court or authority ordering them)?
Data on criminal and contravention proceedings	
33.	Have any criminal proceedings been instituted against you or your spouse (common-law spouse) within 15 years reckoned from the date of your statement, which ended with punishment (if your answer is "yes", please give details when, where, why, naming the proceeding court and indicating the magnitude of the punishment and the date of being exempted)?
	Have any contravention proceedings or disciplinary procedure been instituted against you or your spouse (common-law spouse) within 5 years reckoned from the date of your statement, which ended with punishment (if your answer is "yes", please give details — except for traffic infractions — when, where, why, naming the proceeding authority and indicating the magnitude of the punishment)?
34.	Do you or your (common-law) spouse have any pending criminal, petty offence, disciplinary, or indemnification case (if your answer is "yes", please give details — except for traffic infractions — why; proceeding court, authority)?
Special data	
35.	When employed in Hungary or abroad, have you worked in any position prior to which you had to fill in a security questionnaire or make a security statement (if your answer is "yes", please indicate the workplace, name your post, and give its date)?
36.	Have you detected during you career any circumstance, which implies the presence of a foreign intelligence service (attempts at establishing contact, signing on as a spy, compromising)? If you have, please elaborate.
For you and your (common-law) spouse:	

37.	<p>To what extent do you maintain private relationships with foreign citizens? Please name your most important relationships, maximum 15 people:</p> <p>last and first name:</p> <p>place, year, month, and day of birth:</p> <p>home address:</p> <p>occupation and workplace:</p> <p>citizenship:</p> <p>nature and brief characterization of the relationship:</p>
38.	<p>Do you have or have you had relationship with a person who — to your knowledge — is at present or has been a senior official of a foreign government? (If you do or have, please elaborate.)</p>
39.	<p>Do you have or have you had contact with a person who — to your knowledge — is or has been employed by foreign intelligence service or the cover organization thereof? (If you do or have, please elaborate.)</p>
40.	<p>Do you drink alcoholic beverages? If you do, to what extent?</p> <p>have you been addicted to alcoholic beverages?</p> <p>have you attended a detoxication cure?</p>
41.	<p>Have you consumed, distributed, or produced occasionally or regularly any narcotics or drugs or medicines with narcotic or dulling effect, when, to what extent, what kind?</p>
42.	<p>Do you have any extra-marital or extra-common-law partner relationship (including homosexual)?</p>
43.	<p>Do you have or have you had relationship with any organization, movement, or group, etc., which denies the constitutional principles of a democratic constitutional state, or which pursues activities of such nature (if you do or have, please elaborate.)?</p>
44.	<p>Do you know — in addition to the above — of any circumstance (risk factor), the indication of which you deem important from the viewpoint of security clearing (e.g. any addiction, information which may serve as basis for compromising or blackmailing)?</p>
45.	<p>You may name reference persons (max. 3) who are able to give objective opinions about you, and with whom you have no relationship of affinity or dependence:</p> <p>name, address, telephone:</p> <p>how long have you known each other?</p>

**Type "C"****SECURITY STATEMENT**

I hereby declare that the data I provided correspond to the facts.

I agree that the national security services gather information on my person within the framework of security clearing as specified in Act CXXV of 1995 on the National Security Services. I understand that if the necessary data cannot be obtained in other ways, the national security services may gather intelligence on my person. I understand that the national security services will also take the necessary steps of security clearing with respect to the unanswered queries.

I have filled in the questionnaire being aware that with the answers to the queries I am not obliged to accuse myself or any of my relatives with the commission of any crime.

Dated in Budapest, ..... 1995.

.....

signature, address

**Statement by spouse, common-law spouse, and adult relative living in  
the same household**

I have been informed that the security clearing of my spouse, common-law spouse, relative may affect my person as well; within its scope, if the necessary data cannot be obtained in other ways, the national security services may also gather intelligence.

Dated in Budapest, ..... 1995.

.....  
signature, address