

Constitutional complaint filed by HCLU against Hungarian telecom data retention regulations

27 May 2008

The Hungarian Civil Liberties Union (HCLU, www.tasz.hu) has filed its complaint with the Constitutional Court, requesting the ex post examination for unconstitutionality and the annulment of the data retention provisions of the Act C of 2003 on electronic communications.

On 15th of March 2008 the regulations implementing the 2006/24/EC Directive on data retention entered into force in Hungary. The Act C of 2003 on electronic communications did not need much amendment as it had already comprised numerous restrictive data retention provisions prior to the directive. The only novelties of the amendments were the retention of internet communications data and the elimination of the laxly, but at least pre-defined legal purposes of the data processing. Moreover the amendments totally disregarded the provision of the directive that data should be “available for the purpose of investigation, detection and prosecution of serious crime”.

The HCLU's main concern in its complaint was the retention of personal data for ‘the stock’ without previously defined purposes. In a 1991 decision of the Constitutional Court it prohibited such data processing and the Act on Protection of Personal Data adopted a year later, also contains this ban. HCLU has also stressed that data retention might be detrimental not only to privacy but also to other fundamental rights such as freedom of information, freedom of the press, freedom of conscience and freedom of religion, freedom of assembly and freedom of petition.

Press contact:

Adam Foldes
E-mail: foldes@tasz.hu