

VIVIANE REDING
VICE-PRESIDENT OF THE EUROPEAN COMMISSION
JUSTICE, FUNDAMENTAL RIGHTS AND CITIZENSHIP

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*Brussels, 30 November 2011
Ares (2011)1060280*

Dear Dr. Majtényi,

The President has passed me your letter of 3 October 2011 which touches upon the current situation of the Data Protection Commissioner in Hungary and asked me to thank you for it. You indicate that he shall be removed from his office as of 1 January 2012, although his term would only end in 2014. In your opinion, the Hungarian Republic thereby fails to fulfil its obligations under EU law of guaranteeing the independence of the Data Protection Authority and you suggest that the European Commission initiates proceedings against Hungary.

I fully agree with you that the establishment in Member States of supervisory authorities, exercising their functions with complete independence, is an essential component of the protection of individuals with regard to the processing of personal data. This is exactly what is required under the Data Protection Directive and has been confirmed by the European Court of Justice.

Therefore, I have instructed my services to investigate your complaint and analyse the new Act on informational self-determination and freedom of information which will repeal the current data protection legislation as of 1 January 2012.

My services will keep you informed on the outcome of their analysis.

Sincerely,



*Mr László Majtényi
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