

**Minutes**  
**of the Founding Meeting of the Digital Freedom Committee**  
**2 March 2020**

**Participants:**

- **Ministry of Justice:**
  - Dr. Judit Varga, Minister of Justice
  - Dr. Anikó Raisz, State Secretary for Public Administration
  - Dr. László Péter Salgó, Chairman of the Committee, Deputy State Secretary responsible for the coordination of draft legislation and for legislation in public law
- **Ministry of Innovation and Technology:**
  - Dr. Károly Solymár, Deputy State Secretary for infocommunications
- **Cabinet Office of the Prime Minister:**
  - Dr. Attila Bíró, Deputy State Secretary responsible for technical coordination within the Government
- **Finance Ministry:**
  - Botond Besesek, Deputy State Secretary for tax regulations and accounting
  - Benedek Emánuel Nobilis, Head of Department
- **National Office for the Judiciary:**
  - Dr. György Senyei, Chairman
- **National Media and Infocommunications Authority:**
  - Levente Nyakas
- **Office of the Ombudsman for Fundamental Rights:**
  - Dr. Réka Varga, Secretary General
  - Dr. Szabolcs Szigeti
- **National Authority for Data Protection and Freedom of Information**
  - Dr. Attila Péterfalvi, Chairman
  - István Csajági, Deputy Department Head
- **National Public Service University:**
  - Dr. András Koltay, Rector
- **Hungarian Competition Authority:**
  - László Bak, General Deputy Chairman
- **National Council for Infocommunications and Information Technology:**
  - Sándor Pap, Deputy Chairman

**Founding meeting of the Committee:**

**1. Justice Minister Judit Varga opens the meeting by welcoming the participants.** She explains the Committee's objectives and the reason for its establishment. First of all, the former Digital Freedom Workgroup is from now on referred to as a committee, in accordance with the English translation of its name. The new name is also meant to express the significance and major responsibilities of the Committee.

The Committee's main task is to review the impact of technology companies on the institutions and operation of the rule of law, as well as on the everyday enforcement of personal freedoms. Furthermore, the Committee will review how basic democratic norms can be interpreted from the perspective of activities in the online space. The Minister emphasises that "much experience

has been gathered in the past decades, both by regulatory authorities and citizens; one of the main questions to be answered is whether we will be able to rule technology, or it is technology that will rule our lives. Can we retain control of our own lives, or will it be fully taken over by technology, tech giants, and social media? It is now plain for all to see that social media are collecting and analysing our activities, personal data, opinions and habits, thus trying to influence consumers' decisions and, *ad absurdum*, our thinking. So the next question is whether we can hold on to our personal freedom in this online framework.”

Finally, the Minister of Justice notes the main objective, namely that the law and the principle of transparency should rule in the online space, and the related expectations should be met.

## **2. Dr. László Péter Salgó, Chairman of the Committee:**

Following the opening address by the Minister of Justice, the Chairman of the Committee details the Committee's upcoming technical tasks. He emphasises that protecting citizens' personal data and safeguarding their freedom of decision are among the primary objectives. It is essential to guarantee everybody's freedom of speech in the online space. An optimal solution needs to be found to protect people's private spheres, while safeguarding the freedom of opinion.

The Chairman notes that the so-called White Book, which is already available on the Committee's website, focuses on the following topics (among others): protecting the freedom of opinion and the private sphere; the collection of personal data; media regulation; taxation; copyrights; criminal law enforcement; as well as issues of child protection and the sovereignty of online tech companies.

The Ministry of Justice awaits the opinions of companies, social players and private persons about the contents of the White Book. That input will be utilised during the Committee's work. That way everybody has an opportunity to express their views, problems and remarks about these issues. Social dialogue is important also because the digital space now affects us all, as almost everybody is a user; so everybody has an opinion. This is reflected by the four topics considered as starting points by the newly established Committee: freedom of opinion; protection of the private sphere; protection of personal data; media regulation and taxation. Once the opinions of the affected public organisations had been received, the number of issues to be reviewed doubled. Proposals by citizens and NGOs may further increase that number.

In summary, the Chairman emphasises the difficulty of the task undertaken by the Committee, as there are numerous areas to be examined. The primary tasks will be the following:

- The assessment of the current situation is crucial as it will serve as the basis for continued work.
- It would be practical for all online users to know what happens when they enter the digital space. The detailed rules are unknown; we automatically accept general contractual conditions. Ensuring transparency will be a key task for the Committee. This work will not be limited to legislation; rather, it will include getting acquainted with tech companies'

regulations, and making those regulations available to people. This process may end with drafting new regulations if necessary.

- Ensuring the possibility of real rights enforcement is another topic worthy of attention.
- After its first meeting, the Committee will hold thematic meetings where pre-defined topics will be reviewed by experts of the area discussed, and by representatives of relevant NGOs.

After this introduction, the Chairman of the Committee explains the reasons for writing the White Book and the methods involved, and asks the participants to make further remarks complementing or in addition to their previous proposals.

In the first remark, **Dr. András Koltay** notes that he maintains his remarks and proposals made in the White Book without any addition. He emphasises the need, however, to fully map the pseudo-law applied in the online space in order to ensure transparency.

**Dr. Attila Péterfalvi** notes concerning data protection that the proposals related to that area are prominent in the White Book, as six of the eight topics are closely related to data protection. He emphasises the importance of the following: monitoring judicial practices; defining the status of public figures; and enforcing the related rights. As a question of prime importance, compliance of the current legal practices with GDPR should be examined. As to the Committee's operation, Mr. Péterfalvi notes that rules for the deletion of post mortem data have been included in the Privacy Act, which constitutes an important step forward.

Concerning media regulations, **Dr. András Koltay** adds that this topic raises inevitable questions regarding the operation of the Committee. The topic includes the issues of consumer protection, fake news, and transparency. These questions can only be answered using a complex and varied approach in view of international trends.

Also speaking about media regulations, **Levente Nyakas** pointed out new forms of online commercial communications. Consumers are exposed to graver dangers in the online space, and they are easier to influence unnoticed than in the real world. The Competition Authority plays an important role in supervising these issues.

**László Bak** reports that the Competition Authority has already dealt with issues related to digital freedom and liability. The Authority has placed significant emphasis on activities in the digital space in recent years. The general experience is that consumers are not sufficiently informed.

Regarding taxation, **Botond Besesek** explains that a person who is not physically in the country can nowadays play a very important role in the economy. This "atypical" situation needs to be addressed. On the other hand, this is a global problem that requires a global answer. The European Commission and the OECD are working on a solution; a report, which is expected to be released soon, will have to be taken into consideration during the examinations in Hungary.

Speaking about the topic of criminal law, **Dr. György Senyei** refers to several studies and research materials by the National Office for the Judiciary about the relationship between

criminal law and the online world. These papers will be made available to the Committee. The most important task is to strike a balance between digital freedom and protecting the private sphere.

According to **Dr. Réka Varga**, the Office of the Ombudsman for Fundamental Rights maintains its previous remarks and warmly welcomes the establishment of the Committee. She emphasises the significance of preventive action. In 2018, the Office launched a comprehensive review of the “digital rights protection system”; the results can be made available to the Committee in a few weeks. Dr. Réka Varga considers curbing hate speech as a central issue, especially in the online space.

Minister of Justice Judit Varga thanks for the participation and remarks, and closes the meeting.