

ANNEX 9

The whole correspondence under Point3

Viktor Orbán
Prime Minister
Prime Minister's Office
1055 Budapest
Kossuth Lajos tér 1-3.

Dear Prime Minister,

Pursuant to section 28(1) of Act CXII. of 2011 on Informational Self-determination and Freedom of Information (hereinafter referred as InfoAct) I am appealing to you to request for data of public interest regarding the Governmental Commission on Nuclear Energy (hereinafter referred as the Commission) established by the Hungarian Government with Government Resolution 1195/2012. (VI. 18.) (hereinafter referred as the Government Resolution). The Government Resolutions identified several tasks to be carried out by the Commission and its members which generated data of public interest. Based on the aforementioned kindly please provide us with the following information:

- □ order of business of the Commission;
- □ minutes or memos of the meetings fo the Commission held so far;
- □ responses to the strategic issues specified by Section 9 of the Government Resolution No. 1195/2012. (VI.18.) which are to be investigated by the Commission and findings made during the work of the Commission; and
- □ documents, proposals, presentations, reports on the implementation of the certain tasks and findings to be prepared according to the Sections I-V. of the Government Decree No. 1194/2012. (VI.18.) as well as the decisions made by the Government relating to thereof.

According to section 3(5) of the InfoAct data of public interest has the following meaning: information or data other then personal data registered in any mode or form concerning activities undertaken or controlled by the body or individual carrying out state or local government responsibilities, as well as other public duties defined in relevant legislation, regardless of their mode of control, independent or collective nature.

According to section 26(1) of the InfoAct Bodies or individuals undertaking state or local government duties, as well as other duties defined in the relevant legislation (hereinafter jointly referred to as body undertaking public duties) must be ensured the opportunity to provide access to data of public interest and data public on grounds of public interest to anyone requesting such data under their control.

It is important to underline that according to the definition of the InfoAct those data shall be deemed to be data of public interest which are controlled by the body or individual specified in the above mentioned section and which are concerning the activities of such body and individual.

According to section 30(2) of the InfoAct data requests must be satisfied in a clear manner and in a mode and through the use of the technical instrument specified by the applicant,



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should the body controlling the data of public interest be easily able to do this. If the data requested was electronically disclosed at an earlier date, the request can be also satisfied by indicating the public source containing the given data. Requests for data cannot be rejected by claiming that they cannot be properly satisfied. According to section 29(1) the body undertaking public duties controlling the data shall satisfy the requirements relating to accessing data of public interest within 15 days.

Please accede to the present data request within 15 days of the date of the request. For the easiest technical solution as well as for the environment friendly data handling kindly please provide the requested information in .doc or .pdf file and send it via email (perger@energiaklub)or burn on CD/DVD and post it to our address (1056 Budapest, Szerb utca 17-19.). Any Reasonable costs arising from thereof shall be borne by us.

Yours Faithfully,

Ámon Adrienn
Igazgató
Energiaklub Climate Policy Institute Applied Communications

Budapest, March 20, 2013



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MINISTRY OF NATIONAL DEVELOPMENT

Dr. ORSOLYA PÓCZE

Deputy State Secretary Responsible for Atomic Energy

AFHÁT/7849/2013-NFM

To:

Adrienn Ámon

Director

Energiaklub Climate Policy Institute Applied Communications

Budapest

Re: response to the request of Energiaklub for data of public interest dated on March 20, 2013 regarding the Governmental Commission on Nuclear Energy (NEK)

Dear Ms. Adrienn Ámon,

Your letter addressed to the Prime Minister on March 20, 2013 regarding the request for data of public interest contains issues which are falling within the responsibilities of the Ministry of National Development (NFM), therefore the Prime Minister's office has forwarded your request to the NFM.

Regarding your request for data of public interest I hereby inform you as follows.

The Governmental Commission on Nuclear Energy – established by the Hungarian Government with Government Resolution 1195/2012. (VI. 18.) (hereinafter referred as Kh.1.) on the establishment, composition and tasks of the Governmental Commission on Nuclear Energy investigating the strategic issues of the domestic use of nuclear power and the development thereof – has not held any meeting until today therefore no minutes or memos were prepared of its meetings. The Commission does not have an order of business since such order could not be adopted due to the absence of meetings.

According to paragraph a) of section 30/A (2) of Act XLIII. of 2010 on the central state administration bodies and the status of government members and secretaries of state, NEK established with Kh.1 is not a decision making but a decision preparing committee.



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In relation with the above mentioned let me draw your attention to section 27(5) of Act CXII. of 2011 on Informational Self-determination and Freedom of Information which states that data generated or registered during the course of a procedure aimed at the body undertaking public duties making a decision within its respective scope of responsibilities and authority and serving as a basis for making this decision cannot be disclosed for a period of 10 years following the date this data was generated or registered. The competent executive of the body controlling this data is entitled to authorize access to this data in the scope of their discretionary power.

In relation of your data request regarding section I-V. of the Government Resolution 1194/2012. (VI.18.) (hereinafter referred as Kh. 2) on the Identification of Additional Tasks Relating to the New Nuclear Power Plant Unit(s) to be Established on the Site of the Paks Nuclear Power Plant, I hereby inform you that NFM has already prepared several legislative amendments. With respect to the extension of Paks NPP the relevant amendments include the modification of Act CXVI. of 1996 on Atomic Energy and the Government Decree 118/2011 (VII.11.) on the nuclear safety requirements of nuclear facilities and related regulatory activities. This modification aims to revise the regulations relating to site license. Further relevant amendment is the modification of the Government Decree 190/2011. (IX. 19.) on physical protection requirements for various applications of atomic energy and the corresponding system of licensing, reporting and inspection – which modification would include the regulations on planning and licensing of the physical protection system of the nuclear facilities to be installed.

The social consultation of the legislation will expectedly take place in April 2013, drafts will be available for comments on the website www.kormany.hu

Please consider yourself advised.

Yours faithfully,
Dr. Orsolya Pócze



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Viktor Orbán
Prime Minister
Prime Minister's Office
1055 Budapest
Kossuth Lajos tér 1-3.

Dear Prime Minister,

Pursuant to section 28(1) of Act CXII. of 2011 on Informational Self-determination and Freedom of Information (hereinafter referred as InfoAct) I am appealing to you to request for data of public interest regarding the Governmental Commission on Nuclear Energy (hereinafter referred as the Commission) established by the Hungarian Government with Government Resolution 1195/2012. (VI. 18.) and regarding the Government Decree 1194/2012. (VI.18.) (hereinafter referred as the Government Decree) on the Identification of Additional Tasks Relating to the New Nuclear Power Plant Unit(s) to Be Established on the Site of the Paks Nuclear Power Plant. The Governmental Resolutions identified several tasks to be carried out by the Commission and its members.

- I request for information as regards that which body/bodies of the Government carries/carry out the secretarial tasks of the Governmental Commission and the controlling of the implementation of tasks specified by the Government Decree.
- Kindly please provide us with the results of the implementation of tasks ordered to be carried out by the members of the Government under the Government Decree. Please provide the results according to the sections of the Government Decree as follows:
 - o I/1,2: findings of the review and proposal;
 - o I/3: proposal;
 - o II/4: proposal;
 - o III/5: report on the implementation of the task;
 - o III/6 (a, b, c, d): proposal;
 - o III/7, 8, 11, 12: presentation;
 - o III/9, 10; report on the implementation of the task
 - o IV/13, 14: presentation;
 - o V/15 a): communication strategy;
 - o V/15 b): report on the implementation of the task;
 - o V/15 c): reports have been produced so far.



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Please accede to the present data request within 15 days of the date of the request.
For the easiest technical solution as well as for the environment friendly data handling kindly please provide the requested information in .doc or .pdf file and send it via email (perger@energiaklub)or burn on CD/DVD and post it to our address (1056 Budapest, Szerb utca 17-19.). Any Reasonable costs arising from thereof shall be borne by us.

Yours Faithfully,

Ámon Adrienn

Director

Energiaklub Climate Policy Institute Applied Communications

Budapest, July 24, 2013



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PRIME MINISTER'S OFFICE

Reference number: ME-IHSZ/I/244/3/13.

Re: Request for data of public interest regarding the Governmental Commission on Nuclear Energy established by the Hungarian Government with Government Resolution 1195/2012. (VI. 18.) and regarding the Government Decree 1194/2012. (VI.18.) on the Identification of Additional Tasks Relating to the New Nuclear Power Plant Unit(s) to Be Established on the Site of the Paks Nuclear Power Plant

To:

Adrienn Ámon

Director

Energiaklub Climate Policy Institute Applied Communications

Budapest

Szerb u. 17-19.

1056

e-mail: perger@energiaklub.hu

Dear Ms. Adrienn Ámon,

Referring to your request for data of public interest sent pursuant to section 28(1) of Act CXII. of 2011 *on Informational Self-determination and Freedom of Information* (hereinafter referred as InfoAct) to the Prime Minister's Office on July 24, 2013 – regarding the Governmental Commission on Nuclear Energy (hereinafter referred as the Commission) established by the Hungarian Government with Government Resolution 1195/2012. (VI. 18.) (hereinafter referred as Gov. Res. No. 1195.) and regarding the Government Decree 1194/2012. (VI.18.) (hereinafter referred as Gov. Dec. No. 1194.) on the Identification of Additional Tasks Relating to the New Nuclear Power Plant Unit(s) to be Established on the Site of the Paks Nuclear Power Plant – we hereby provide you with the following information:

- The Ministry of National Development (hereinafter referred as NFM) and not the Prime Minister's Office is responsible for the tasks specified in section I/1-5. of Gov. Dec. No. 1994.;
- The NFM and the Ministry of National Economy (hereinafter referred as NGM) are responsible for the tasks specified in section III/6-9. of Gov Dec. No. 1994.;
- The NFM is responsible for the tasks specified in section III/10-14. of Gov. Dec. No. 1994. and;



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- The NFM and the Ministry of Public Administration and Justice (hereinafter referred as KIM) are responsible for the tasks specified in section III/15. of Gov. Dec. No. 1994.

It is our view that – as we already informed you in our response to your request for data of public interest dated on March 28, 2013 – pursuant to section 12 of Gov. Res. No. 1995., the preparation of order of business is the task of the NFM and the NGM, therefore NFM is competent to response for your questions regarding the carrying out of secretarial tasks of the Commission and the controlling of the implementation thereof.

Based on the aforementioned pursuant to section 3(9) of the InfoAct the Prime Minister's Office is not the controller in relation to your request for data of public interest. Since the controller is mainly the NFM, today we have forwarded your request for data of public interest to them.

Budapest, July 31, 2013

Yours faithfully,

Dr. Péter Mikecz
Deputy State Secretary



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MINISTRY OF NATIONAL DEVELOPMENT

Dr. ORSOLYA PŐCZE

Deputy State Secretary Responsible for Atomic Energy

AFHÁT/17158-5/2013-NFM

To:

Adrienn Ámon

Director

Energiaklub Climate Policy Institute Applied Communications

Budapest

Re: response to the request of Climate Policy Institute Applied Communications for data of public interest regarding The Governmental Commission on Nuclear Energy established by the Hungarian Government with Government Resolution 1195/2012. (VI. 18.)

Dear Ms. Adrienn Ámon,

With regard to your aforementioned request addressed to Mihály Varga Minister, which was received by our Ministry on September 2, 2013, I hereby inform you as follows.

According to section 26(1) of Act CXII. of 2011 on Informational Self-determination and Freedom of Information (hereinafter referred as InfoAct), bodies or individuals undertaking state or local government duties, as well as other duties defined in the relevant legislation must be ensured the opportunity to provide access to data of public interest and data public on grounds of public interest to anyone requesting such data under their control, with the exception of cases defined within the scope of the present Act.

The expression “under their control” in the above mentioned paragraph of InfoAct assumes the existence of data. On the basis of this in case of requests for accessing to data of public interest and data public on grounds of public interest, the access must be provided by bodies or individuals undertaking state or local government duties only with respect to already existing data.

In my response dated on August 15, 2013 regarding the Government Decree 1194/2012. (VI.18.) (hereinafter referred as Kh.) on the Identification of Additional Tasks Relating to the New Nuclear Power Plant Unit(s) to be Established on the Site of the Paks Nuclear Power Plant, I already informed you and drew your attention to the fact that the implementation of additional tasks specified by the Kh. were ongoing and no decision had been made.

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According to section 27(5) of the InfoAct data generated or registered during the course of a procedure aimed at the body undertaking public duties making a decision within its respective scope of responsibilities and authority and serving as a basis for making this decision cannot be disclosed for a period of 10 years.

For review the rejection of the request for data of public interest you can submit your application to the Metropolitan Court of Budapest (1055 Budapest, Markó utca 27.). Furthermore you are entitled to request an investigation from the Hungarian National Authority for Data Protection and Freedom of Information (1024 Budapest, Szilágyi Erzsébet fasor 22/c), on the grounds of infringement of law, in connection with the control of personal data, as well as exercising rights relating to access to data of public interest.

The review procedure is based on Section 31 of InfoAct.

Please consider yourself advised.

Budapest, September 09., 2013

Yours faithfully,
Dr. Orsolya Pócze



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