Information on whistleblowing systems in accordance with Act XXV of 2023

The internal whistleblower system at the state and municipal bodies

If the employer

(a) a state body;

(b) local municipality;

(c) a budgetary organisation under the control or supervision of a state or municipal body; or

(d) an organisation or business association owned by the state or the municipal body or that is under the exercise of ownership rights of a state or municipal body or of a budgetary organisation under the control or supervision of a state or a municipal body is obliged to establish an internal whistleblowing system;

The whistleblower system operated by the above-mentioned bodies may receive report from those whose employer is a state or municipal body.

The separate whistleblower system set up by the individual state bodies

32. § (1) A separate whistleblower system shall be established by

(a) the Directorate General for Audit of European Funds;

(b) the Hungarian Competition Authority;

(c) the Integrity Authority;

(d) the Public Procurement Authority;

(e) the Hungarian Energy and Public Utility Regulatory;

(f) the Hungarian Nation Bank;

g) the National Authority for Data Protection and Freedom of

Information;

(h) the Nation Media and Infocommunications Authority;

(i) the Hungarian Atomic Energy Authority; and

(j) Supervisory Authority for Regulated Activities.

Information regarding unlawful or presumed unlawful acts or omissions, or other misuse may be reported to the separate whistleblower system. These issues could also **be reported** to the protected electronic system of notices of public concern operated by the Commissioner for Fundamental Rights.

Anyone can report to the separate whistleblower system.

Reports to institutes, organisations, authorities or agencies of the European Union

A report shall be regarded lawful if the whistleblower submits the report to the competent **institutes, organisations, authorities or agencies of the European Union** and the whistleblower has acquired the information regarding the circumstance covered by the report in the context of his or her work-related activities and the whistleblower had reasonable grounds to believe that the reported information on the circumstance covered by the report was true at the time of the report.

Public disclosure of the report

A report shall be regarded lawful if the whistleblower publicly discloses the report and the whistleblower has acquired the information in the context of his or her work-related activities, and if the whistleblower had reasonable grounds to believe that the reported information was true and one of the following conditions is met:

(a) the whistleblower;

aa) has first used the internal whistleblower system set up by the employer or the internal whistleblower system operated by state or municipal bodies, and then the separate whistleblower system set up by the individual state bodies, or

(ab) has directly used the separate whistleblower system set up by the individual state bodies;

and the operator of the whistleblower system, or the body authorized to proceed, have not taken the measures in accordance with the law in due time

(b) the whistleblower has reasonable grounds to presume that the circumstance concerned by the report obviously endangers the public interest, in particular where the risk of irreversible damage is to be foreseen; or

(c) the whistleblower has reasonable grounds to presume that, in the case of recourse to the separate whistleblower system set up by individual public authorities, the obvious possibility, because of the unique characteristics of the circumstance concerned by the report, is that:

(ca) disadvantageous measures are taken against the whistleblower; or

(cb) the substance of the report is not dealt worthily.

Act XXV of 2023 on complaints, reports of public interest and rules related to the reporting of misuses can be found in full version in Magyar Közlöny 78/2023 at the following link.