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THE TRANSPARENCY OF FINANCIAL MANAGEMENT OF POLITICAL PARTIES AND THE EFFECTIVENESS OF THE IMPLEMENTATION OF FREEDOM OF INFORMATION

Abstract

Creating an optimal balance between data protection and data publicity is not easy, even with operating a system of precision containing wide range of complexity. However, in a democratic state governed by the rule of law it is indispensable. A dedicate balance between data protection and freedom of information concerning financial management of political parties is an everyday topic in both literature and judicial practice. According to the control mechanism of the democratic rule of law, the relevant area that needs to be examined is mainly the transparency of the party, the effectiveness of the implementation of freedom of information.

Introduction

Creating an optimal balance between data protection and publicity is not easy, even with operating a system of precision containing wide range of complexity, However, in a democratic state governed by the rule of law it is indispensable. The National Authority for Data Protection and Freedom of Information (NAIH) was established on 1st of January 2012, its predecessor was the institution of Data Protection Ombudsman. The independent Authority, which is only subordinate to the laws is responsible for supervising and defending the right to the protection of personal data and to freedom of information in Hungary[1], and to maintain the original objectives of data protection, to work as an effective privacy-protective legislation, but not to become autotelic barrier of access to public information.

According to Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information, the Authority conducts ex officio administrative proceeding when there is a likelihood of infringement and the unlawful data processing concerns a wide range of people or special data.

In terms of the topic of our research (namely on the financial management of political parties) it can be clearly stated that it concerns a wide range of people and special data as well. A dedicate balance between data protection and freedom of information concerning financial management of political parties is an everyday topic in both literature and judicial practice. From the control mechanism of the democratic rule of law the transparency of the parties, thus the effectiveness of the implementation of freedom of information is relevant and needs to further examined.

1. The demand of transparency in the mechanism of the financial management of political parties

One of the fundamental purposes of establishing and functioning political parties is to benefit from governmental power and have the opportunity to influence governmental decisions. Therefore the citizens might have justified demands that the operation and financial management of parties should be as transparent as possible. The transparent mechanism of the financial management of political parties can also be demanded on the basis of the support, which the parties receive from the state budget.

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Moreover, the parties – compared to other civil society organizations – have a special relationship to the power of the state since with political means through their political representatives they continuously influence it, so they possess additional rights and are eligible for state budget support. All these circumstances should have justified a full transparency of their financial management – in particular the use of funds received from the state.

The parties are civil society organizations that are intended to provide an organizational structure for declaring and forming the people's will, to provide the participation of citizens in the political life, and thus facilitate the realization of freedom of association and political rights of citizens, displaying different interests and values of the society. This was confirmed by the 2179/B/1994. Constitutional Court decision which has not declared the legislation unconstitutional that made possible for parties, which have reached 1 percent of the votes in the elections to receive financial support because their activities are linked to the social support of the people, based on the expression of popular will. So, it is clear that some of the tasks which are closely linked to political parties are related to public interest and public services.

According to the current regulatory environment, classification of political parties as bodies with public service functions does not seem feasible. This affects the financial management of political parties in such a way, that this data cannot be made available as data of public interest. However, using other legal solution for the sake of accessibility of the information is the determination of data public on grounds of public interest.

2. The scope of data of public interest and data public on grounds of public interest[2]

According to Section 3 Point 5 and 6 of Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information:

Data of public interest shall mean information or data other than personal data, registered in any mode or form, controlled by the body or individual performing state or local government responsibilities, as well as other public tasks defined by legislation, concerning their activities or generated in the course of performing their public tasks, irrespective of the method or format in which it is recorded, its single or collective nature; in particular data concerning the scope of authority, competence, organisational structure, professional activities and the evaluation of such activities covering various aspects thereof, the type of data held and the regulations governing operations, as well as data concerning financial management and concluded contracts.

Data public on grounds of public interest shall mean any data, other than public information, that are prescribed by law to be published, made available or otherwise disclosed for the benefit of the general public.

According to Article 38 (1) of the Fundamental Law, the property of the State and of local governments shall be national assets, while Article 39 declares transparency when managing public funds and brings national assets as data of public interest on constitutional level:

(2) every organisation managing public funds shall be obliged to publicly account for its management of public funds. Public funds and national assets shall be managed according to the principles of transparency and the purity of public life. Data relating to public funds and national assets shall be data of public interest.

In accordance with the Fundamental Law, Section 7 of Act CXCVI of 2011 on National Wealth (hereinafter related to as: Nvtv.) says, the essential function of national wealth is to undertake public responsibility. National wealth should be managed properly in a responsible manner. Managing national wealth is intended to be done in a responsible way, meeting the load-bearing capacity of the state and the local authority, firstly to fund the undertake of public duties and the current needs of the society, maintain its value and protecting its consistency, value-added use, recovery, enrichment, furthermore performing the state's or local authority's task in terms of disposal of redundant assets.

According to Section 10 (1) of Nvtv., the national wealth, its value and changes are registered by the property right owner. The register shall contain the public duty as an indication of the wealth's primary purpose. The data in the register – with the exception of classified information regulated under the Act on the Protection of Classified Information – is available.

In view of the foregoing it can be stated that the current regulatory environment not only emphasizes the fact whether a body or person is performing public service according to the law, but also the fact of managing national wealth.

2.1 The availability of data of public interest and data public on grounds of public interest

Act CXII of 2011on the Right of Informational Self-Determination and on Freedom of Information (hereinafter referred to as: Privacy Act) controls three version of dissemination: general disclose (Section 32 of Privacy Act), disclosure upon request (Section 28-31 of Privacy Act), disclosure without request – proactive disclosure of data (Section 33–37 of Privacy Act). Regardless of the obligation of dissemination, data disclosure requests need to be fulfilled:

According to the legislation in force, every data – with the exception of personal data – processed by the public sector and data related to its activity is defined as data of public interest, regardless of whether its disclosure is limited. In other words, not every data of public interest is publicly available. In regard of documents, not principle of file but principle of data prevails. This means that the document does not constitute itself as a decision-maker, but the data the document contains does. In some document there can be different data. The exception of accessibility is covered in Section 27 of Privacy Act. Here belongs usually the part of the document which is business secret or copyright-related. Furthermore, the request to access to information of public interest can be denied legally by the data controller when the data is not public according to the law, for example classified information or information as part of a decision-making process.

Publicity can be restricted mainly for the following reasons:

– in respect of business secret-related data according to Section 81 (2)-(4) of Act IV of 1959 on the Civil Code of Hungary;

– in respect of classified information according to Act CLV of 2009 on Protection of Classified Information;

– in respect of information as part of a decision-making process according to Section 27 (5)-(7) of Privacy Act;

– in respect of copyright-protected works according to Act LXXVI of 2011 on Copyright.

In respect of information as part of a decision-making process, the Privacy Act says:

5) Any information compiled or recorded by a body with public service functions as part of, and in support of, a decision-making process for which it is vested with powers and competence, shall not be made available to the public for ten years from the date it was compiled or recorded. Access to these information may be authorized by the head of the body that controls the information in question upon weighing the public interest in allowing or disallowing access to such information.

(6) A request for disclosure of information underlying a decision may be rejected after the decision is adopted, but within the time limit referred to in Subsection (5), if the information is expected to underlie a future possible decision or the33disclosure is likely to jeopardize the legal functioning of the body with public service functions or the discharging of its duties without any undue influence, such as in particular free expression of the position of the body which generated the data during the preliminary stages of the decision-making process.

(7) The time limit for restriction of access as defined in Subsection (5) to certain specific information underlying a decision may be reduced by law.

According to the Privacy Act, based on information as part of a decision-making process, those information that are truly part of this process can be restricted from the public, because their availability would threaten their successful implementation, like it might give undue advantage to some market participants. After making a decision, the Privacy Act still protects those information which availability could endanger the body's legal operation or duties and powers free from outside influence.

In respect of discretion, according to Section 30 (5) of Privacy Act, if, as regards the refusal of any request for access to data of public interest, the data controller is granted discretionary authority by law, refusal shall be exercised within narrow limits, and the request for access to data of public interest may be refused only if the underlying public interest outweighs the public interest for allowing access to the public information in question.

According to the 12/2004. (IV. 7.) Constitutional Court decision, restriction of the availability of data of public interest is only constitutional if its reason does not rely only on formal criteria, but content requirements also apply against the restriction, and the restriction is being maintained only until its justified by these requirements. Content requirement is that the restriction of freedom of information must have compelling reasons and the extent of the restriction needs to be proportionate to the aim pursued. The unnecessary, avoidable and by comparison to the aim pursued a disproportionate restriction is constitutionally impermissible and therefore unconstitutional. (34/1994. (VI. 24.) Constitutional Court decision)

According to Section 81 (3) of Act IV of 1959 on the Civil Code of Hungary, "any data that is related to the central budget; the budget of a local government; the appropriation of moneys received from the European Communities; any subsidies and allowances in which the budget is involved; the management, control, use and appropriation and encumbrance of central and local government assets; and the acquisition of any rights in connection with such assets shall not be deemed business secrets, nor shall any data that specific other legislation, in the public interest, prescribes as public information."[3]

When it comes to operation and financial management of political parties, transparency is highly important in terms of controlling power by the citizens, as it is an essential part of rule of law. Like the 32/1992. (V. 29.) Constitutional Court decision says, freedom of information makes available to check the legality of public representative bodies, the executive power and of the public administration. According to 34/1992. (VI. 24.) Constitutional Court decision, the "open, transparent and verifiable public activity, usually the operation of state agencies before the public is a cornerstone of democracy, it guarantees the rule-of-law-type federal system".

This is why freedom of information has great importance when it comes to political parties.

3. Political parties vs. expressing freedom of information

According to Section 3 Point 6 of Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information, 'data public on grounds of public interest' shall mean any data, other than public information, that are prescribed by law to be published, made available or otherwise disclosed for the benefit of the general public". The transparency of the financial management of political parties could be secured according to the Privacy Acts following provisions: any…legal person…entering into a financial or business relationship with a sub-system of the central budget shall, upon request, supply information for any member of the general public in connection with such relationship that is deemed public.

The obligation referred to above may be satisfied by the public disclosure of information of public interest, or, if the information requested had previously been made public electronically, by way of reference to the public source where the data is available.[4]

One possible solution of extending freedom of information, if data relating to the financial management of political parties as data of public interest would belong under freedom of information in such a way that the legislator would regulate the publicity of these data in detail, as the Budapest Court of Appeal has ruled: "To the enforcement of the basic right for the availability of data of public interest and data public on grounds of public interest it

is essential that legislation provides the possibility of knowability and the obligation to do so is required by law. The lack of legal provisions cannot be replaced by subjective interpretation of constitutional objectives."[5] However, this may be contrary to the interests of the political parties.

4. The parliamentary fractions of political parties, as bodies with public service functions

According to the current practice, political parties are not considered as bodies with public service functions, but in NAIH's practice, the parliamentary fractions of parties are certified as bodies with public service functions.

4.1 Legal status of the parliamentary groups (fractions)

On the parliamentary elections members of the parliament are democratically elected and are concentrated into political groups (fractions). The factions – in terms of their legal status – cannot be considered explicitly as bodies of the National Assembly, it is the primary organisational form of the members of the Parliament. However, the political groups are closely linked to the legislative work of the Parliament and to its operation - which is defined not only by political standards, but the legislation – which is being funded with public money.

Based on the above, the parliamentary groups have a specific public legal status because they are not considered to be as independent bodies with public functions, however, it is considered to be a group of members whose activities are publicly funded and help the National Assembly's public tasks.

The important rules of the management of fractions are regulated in Section 16 of 46/1994. (IX. 30.) Parliamentary Decision on the Rules of Procedure:

"(1) The operational costs of political groups within the Office of the National Assembly budget must be separated.

(2) The group may undertake an obligation against the limits of the provisions under paragraph (1) according to the leader of the political group, and make a payment.

(3) On the management of the group, the management of central government agencies shall apply."

Operating expenses of the political groups are therefore included separately in the Office of the National Assembly's budget.

According to Section 123 (1) of Act XXXVI of 2012 on the National Assembly "*the Office of the National Assembly is a central budgetary institution with organizational, operational, administrative and decision-making responsibilities of the Parliament, forming a separate title within the budget chapter of the National Assembly.*"

It can be said for all budgetary institutions that by law or their memorandum they shall be considered as legal entities for public services, based on Section 7 (1) of Act CXCV on 2011 on Public Finances.

Based on the above, there is a substantial public interest that to the context of the financial management of fractions, relating to the obligations undertaken by the groups, as well as payments made by them should be learned by anyone.

According to Section 20 a) and b) of the rules for the organisation and operation of the Office of the National Assembly, the Office of Economic Department plans the budget appropriations for the Office, its use, reports of all these things, and manages its budget appropriations approved by the Office and coordinates the use of the Office's assets and revenues on institutional level. Within this framework it complies with the appropriations and data reports related to their use. Therefore, data on financial management of the Office of the factions from the Department of Economics are available on request.

However, data of the contracts concluded by the factions regarding the use of public funds may be claimed on the basis of the following provisions relating to the rules on national wealth management:

According to Article 38 of the fundamental Law, the property of the State and of local governments shall be national assets, which ruling has raised the requirement of transparency of public funds and the Article 39 (2) on data on public money and national wealth as data of public interest on constitutional level.

According to Section 1 (2) of Nvtv., national wealth means things including property owned by the state and local governments, financial assets, rights in property value shares.

The transparency of the use of national wealth is helped by Section 7 and 10 of Nvtv., and by Section 5 (1) (2) of Act CVI of 2007 on National Assets (hereinafter referred to as: Ávtv.). The national assets' essential function is to serve public duty, and the national wealth, its value and the changes in the value are being recorded by the ownership having the right, and the data of the record – with the exception of classified information according to the Act on the Protection of Classified Information – is public. Creating transparency is helped by Section 5 (1) (2) of Ávtv., which says public interest is every data which is not considered to be data of public interest related to the financial management of national asset and the body or person that manages national asset is being considered as body or person with public service functions under the act on the publicity of data of public interest.

Although not every data of public interest is public. Accessibility of documents related to the financial management of the factions can be limited only through the exceptions of Section 27 of Privacy Act. On this basis, the publicity may be limited mainly due to the following reasons:

– In respect of the business confidential data;

– Classified information in relation to Act CLV of 2009 on Protection of Classified Information;

– Data concerning decision-making process with regard to the Privacy Act (Section 27 (5) - (7);

– Copyright-protected works in relation to Act LXXVI of 1999 on Copyright.

Submitted data requests on documents containing business secrets until 15th Marc 2014 are being ruled by Act IV of 1959 on the Civil Code (hereinafter referred to a: Ptk.):

According to Section 81 (2) of Ptk., *"business secrets shall comprise all of the facts, information, conclusions or data pertaining to economic activities that, if published or released to or used by unauthorized persons, are likely*

to imperil the rightful financial, economic or market interest of the owner of such secrets, provided the owner has taken all of the necessary steps to keep such information confidential."

In the context of the trade secret concept, it is important to point out that the reference to the State does not only exclude the State from the scope of trade secret holders, but all other bodies falling under the definition of body with public service functions regulated in the Privacy Act as well as bodies managing national wealth regulated by the Fundamental Law and Nvtv.

According to Section 81 (3) of Ptk., any data that is related to the central budget; the budget of a local government; the appropriation of moneys received from the European Communities; any subsidies and allowances in which the budget is involved; the management, control, use and appropriation and encumbrance of central and local government assets; and the acquisition of any rights in connection with such assets shall not be deemed business secrets, nor shall any data that specific other legislation, in the public interest, prescribes as public information. Such publication, however, shall not include any data pertaining to technological procedures, technical solutions, manufacturing processes, work organization, logistical methods or know-how that, if made public, would be unreasonably detrimental for the business operation to which it is related, provided that withholding such information shall not interfere with the publication of public information in the public interest.

For the conflict of data of public interest and trade secrets, up to the limits, as long as the control by the public use of public funds is justified, law of economic interest needs to be held back.

According to Section 81 (4) of Ptk., any person entering into a financial or business relationship with a subsystem of the central budget shall, upon request, supply information in connection with such relationship that is deemed public under subsection (3).

As mentioned above, both public administrations and those business organizations, which are in business relationship with the State, or local governments will need to tolerate the disclosure of information about their economic activity to the extent that the financial management of public funds and use of public money can be checked. In other words, the data of the agreements with bodies performing public service functions are all public, except the data in which the data subject has the legitimate interest to keep confidential. NAIH finds that in any event, for example, contractual amount, subject of the agreement, the content of the agreement, terms of the contract, and the recorded data on the performance of the contract belongs to the scope of public data. However, it is only public until it does not result in access of data on technological processes, technical solutions, manufacturing processes and data on work organization methods and logistics access.

According to Section 30 (1) of Privacy Act, if a document that contains data of public interest also contains any data that cannot be disclosed to the requesting party, this data must be rendered unrecognizable on the copy.

Rules for business secrets were available in Ptk. until 15th March 2014. On this day however, a new Civic Code entered into force, Act V of 2013. In the recent legislation, the legislator only includes the concept of business secrets in Section 2:47 of the Codex. From 15th March 2014, the exceptions of business secret are regulated in Section 27 (3), (3a) and (3b). From this date, submitted data requests should be treated in accordance with the recent rules. However, I would like to point out that this legislative amendment did not change the substantive content introduced in the provisions on business secrets.

4.2 The definition of public service[6] and the financial statements of bodies performing public service functions

According to Act CLXXV of 2011 on the Freedom of Association, on Public-Benefit Status, and on the Activities of and Support for Civil Society Organizations, to achieve public-benefit status classification, the body needs to provide statutory public service. The new law does not prefer activities, so they are not listed, but every activity is considered as public service activity, which is defined as a public service by some legislation. Public services, described by the wider scope of activities serve the public benefit-purpose entities directly or indirectly.

The financial reporting obligations of bodies with public service functions are regulated in Act CXCV of 2011 on Public Finances:

"Section 3/A (2) Public service duties are realized by the establishment and operation of budgetary institutions, or by ensuring either in whole or in part their financial coverage with assets specified in this Act. Public units classified outside general government sector can contribute in the implementation of public service duties.

(3) In the legislation on public service duties, the way of implementing public service duties must be defined and at the same time the financial coverage for it should be provided. New public service duty may be imposed or can be undertaken only if there is available adequate financial coverage for it. If the financial coverage is no longer available, measures should be taken in order to ensure financial coverage or termination of the public service duty.

Section 4 (1) In the public finances, budgetary-planning, management and reporting should be continued on the basis of medium-term planning and annual budget. The year of the implementation of the budget is the same as the calendar year.

(2) While planning, the planned economic rationale of the revenue needs to be ensured, and that only as much expense needs to be planned as reasonably necessary for implementing public service duties.

(3) During the financial management, the assigned use of design revenues and expenses needs to be ensured.

(4) During the report, it shall be ensured that all revenue and expenditure to their full amount should be counted, as comparable between fiscal years."

4.3 The special and unique disclosure list of financial management bodies performing public functions, according to the contents:

1. Annual (fiscal) budget of the body with public service functions, annual accounts under the Accounting Act or the annual budget report.

2. Consolidated data on the staff of the body with public service functions, including personal benefits provided, and the remuneration, salary and regular benefits of executive officers and managers, in total, including their expense accounts, description and amounts of benefits provided to other employees.

3. Information as to the names of beneficiaries to whom the body with public service functions provided any central subsidies, the purpose and the amount of the aid, showing also the place of implementation of the support program, except if the central subsidies are withdrawn before the time of publication or if the beneficiary declined to accept of publication or if the beneficiary declined to accept.

4. Description of contracts relating to the allocation of public funds, management of public assets concerning the purchases of supplies and services, and works contracts worth five million forints or more, or to the sale or utilization of assets, for the transfer of assets or rights, as well as concession contracts, including the type and subject matter of such contracts, names of the parties to the contract, the contract amounts, and the duration of fixed term contracts, including changes in the data abovementioned, with the exception of information on procurements directly related to and deemed necessary for reasons of national security or national defence, and with the exception of classified information. Contract value shall mean the price agreed upon for the subject matter of the contract – exclusive of value added tax -, or in the case of gratuitous transactions, the market value or book value of the asset in question, whichever is higher. As regards periodically recurring contracts concluded for more than one year the contract value shall indicate the price calculated for one year. The value of contracts concluded within the same financial year with the same party shall be applied cumulatively.

5. Information made public according to the Act on Concessions (tender notices, particulars of tenderers, memos on evaluation procedures, outcome of such tender procedures).

6. Payments of more than five million forints made by the body with public service functions outside the scope its basic functions (such as payments made to support association, to trade organizations representing the interests of its workers, to organizations active in educational, cultural, social and sports activities and services provided to its employees, and to foundations to support their activities).

7. Description of developments implemented from European Union funding, including the related contracts.

8. Public procurement information (annual plan, summary of the evaluation of tenders, contracts awarded).

Considering the above, we can conclude that the current legal environment links the definition of data of public interest in connection with a person or body to provision on national wealth or the management of national wealth. In this context, it can be stated that the financial data of the political parties – by the basic amount of state budget allocations – may qualify as data of public interest and be subject to rules on requesting data of public interest.

The Privacy Act does not define the term body with public service functions, it only refers that it is a body attending to statutory State or municipal government functions or performing other public duties provided for by the relevant legislation. Act XXXIII of 1989 on the Operation and Financial Management of Political Parties (hereinafter referred to as: Párttv.) does not have such definition either. According to Section 2 Point 19 of Act CLXXV of 2011 on the Freedom of Association, on Public-Benefit Status, and on the Activities of and Support for Civil Society Organizations (hereinafter referred to as: Ectv.) defines public function, but the Párttv. does not does not apply the definition on political parties, only some rules of Ectv (Section 1/A of Párttv.).

Overall, it is stated that the current solution does not provide the expected publicity. The contradictions of the current situation could be solved by making available the data defined within the framework of data public on grounds of public interest.

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[1] Memorandum of National Authority for Data Protection and Freedom of Information 2012.

[2] The Hungarian National Authority for Data Protection and Freedom of Information: Case number: NAIH-1135-2/2013/V – Dr. Attila Péterfalvi – President of NAIH.

[3] The Hungarian National Authority for Data Protection and Freedom of Information: Case number: NAIH-1135-2/2013/V – Dr. Attila Péterfalvi – President of NAIH.

[4] Act CXII of 2011on the Right of Informational Self-Determination and on Freedom of Information.

[5] Decision of the Budapest Court of Appeal: 2.Pf.20.885/2012/3.

[6] Act CLXXV of 2011 on the Freedom of Association, on Public-Benefit Status, and on the Activities of and Support for Civil Society Organizations.

Резюме

Петерфалві А., Хорвас А. **Прозорість фінансового менеджменту політичних партій і ефективність впровадження свободи інформації.**

Із введенням у дію Закону CX II «Про право на інформаційне самовизначення і свободу інформації» від 2011 р. класифікація фінансового менеджменту політичних партій як інформація, що становить публічний інтерес, досі залишається під питанням. Відповідно до чинної нормативно-правової бази класифікація політичних партій як об'єднань з державно-публічними функціями, видається неможливою. Це впливає на фінансовий менеджмент політичних партій у такий спосіб, що цю інформацію не можна зробити доступною як інформацію, що становить публічний інтерес. Відповідно до практики угорського органу державної влади з захисту і свободи інформації, парламентські фракції політичних партій, акредитовані як об'єднання з державно-публічними функціями. Як вказує дане дослідження, фінансова інформація політичних партій – за відрахуваннями

базової суми державного бюджету – може також кваліфікуватися як інформація, що становить публічний інтерес і бути предметом регулювання запиту інформації, що становить публічний інтерес. Дана ситуація може бути вирішена шляхом надання доступу до інформації як до теї, що становить публічний інтерес.

Ключові слова: фінансовий менеджмент, політичні партії, свобода інформації, публічний інтерес.

Резюме

Петерфалви А., Хорвас А. **Прозрачность финансового менеджмента политических партий и эффективность внедрения свободы информации.**

С введением в действие Закона CX II «О праве на информационное самоопределение и свободу информации» от 2011 классификация финансового менеджмента политических партий как информация, составляющая публичный интерес, до сих пор остается под вопросом. Согласно действующей нормативно-правовой базе классификация политических партий как объединений с государственно-общественными функциями, кажется невозможной. Это влияет на финансовый менеджмент политических партий таким образом, что эту информацию нельзя сделать доступной как информацию, составляющую публичный интерес. В соответствии с практикой венгерского органа государственной власти по защите и свободе информации, парламентские фракции политических партий, аккредитованные как объединения с государственно-общественными функциями. Как указывает данное исследование, финансовая информация политических партий - по отчислениям базовой суммы государственного бюджета - может также квалифицироваться как информация, составляющая публичный интерес и быть предметом регулирования запроса информации, составляющей публичный интерес. Данная ситуация может быть решена путем предоставления доступа к информации как к составляющей публичный интерес.

Ключевые слова: финансовый менеджмент, политические партии, свобода информации, публичный интерес.

Summary

Péterfalvi A., Horváth A. **The transparency of financial management of political parties and the effectiveness of the implementation of freedom of information.**

Since the entry into force of Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information, classification of the financial management of political parties as data of public interest is still at issue. According to the current regulatory environment, classification of political parties as bodies with public service functions does not seem feasible. This affects the financial management of political parties in such a way, that this data cannot be made available as data of public interest. According to the practice of the Hungarian National Authority for Data Protection and Freedom of Information, the parliamentary fractions of political parties are certified as bodies with public service functions. As the present study points out, the financial data of the political parties – by the basic amount of state budget allocations – may also qualify as data of public interest and be subject to rules on requesting data of public interest. The current situation could be solved by making available the data defined within the framework of data public on grounds of public interest.

Key words: financial management, political parties, freedom of information, public interest.