Act XXXIV of 2026

on the National Asset Recovery and Protection Office

[1] A fundamental prerequisite for the democratic reconstruction of Hungary is the restoration of public trust, the strengthening of the integrity of public life, and ensuring that the exercise of public authority and the management of public assets serve exclusively the public interest.

[2] Public assets must not become a means of private enrichment, and pecuniary benefits arising in the course of public procurement, the granting of subsidies, concessions, the financing of public tasks, the use of European Union funds, and the management of state and self-government assets may be used only lawfully, transparently and in a manner subject to scrutiny.

[3] The detection of abuses affecting public assets, the prevention of the loss of public assets, the interruption of the diversion of assets, and the recovery of assets that have fallen outside the scope of public assets require unified and effective action by the State, capable of tracing the movement of public assets from the decision by which such assets are removed from public ownership, through various contracts, movements of funds and ownership chains, to the point at which the assets reach the beneficial owners, and of restoring misappropriated public assets to the service of the public.

[4] It is the objective of the National Assembly that unlawful management of public assets should not remain without consequences, that unlawfully alienated public assets should be capable of being identified, secured, preserved and recovered, and that the necessary authority and court proceedings should be instituted in respect of infringements affecting public assets.

[5] To achieve the above objectives, the National Assembly establishes the National Asset Recovery and Protection Office as an independent institution subject exclusively to the law, vested with all the powers necessary for the effective protection and recovery of public assets.

[6] By this Act, the National Assembly establishes a regulatory framework that provides for the examination of the lawfulness of the management of public assets, the detection of suspicion of a criminal offence, the lawful conduct of investigations, the representation of the public prosecution, and the securing and recovery of assets derived from or acquired in connection with a criminal offence, within an effective, accountable and structured framework.

[7] The powers of the National Asset Recovery and Protection Office are instruments for the protection of public assets, the enforcement of legal liability and the restoration of public trust, designed in accordance with the principles of the rule of law, which the National Asset Recovery and Protection Office may exercise in the spirit of independence, impartiality and lawfulness, with due respect for fundamental rights, in a necessary and proportionate manner, in accordance with the purpose limitation requirement and subject to data protection safeguards.

[8] For the implementation of the Fundamental Law and on the basis of Article 42 (7) of the Fundamental Law, the National Assembly adopts the following Act:

Chapter I

General provisions

1. The National Asset Recovery and Protection Office

Section 1 (1) The National Asset Recovery and Protection Office (hereinafter the “Office”) shall perform the tasks specified in this Act for the purpose of detecting cases relating to the unlawful management of public assets, protecting public assets, and locating, identifying, securing, preserving the value of and recovering assets derived from a criminal offence or fallen outside the scope of public assets in connection with a criminal offence.

(2) The powers of the Office shall serve to detect cases relating to the unlawful management of public assets, to ensure that, in such cases, crime reports and requests for the initiation of proceedings are duly substantiated, and to enforce the State’s demand for punishment and the related civil claim.

Section 2 The duties of the Office shall include the following:

a) locating, identifying and recovering assets that have unlawfully fallen outside the scope of public assets;

b) for the purpose of detecting cases relating to the unlawful management of public assets, examining the management of public assets, in particular examining financial transactions and asset movements affecting public assets, payment obligations relating to public assets, decisions of the State or of self-governments, public procurement, subsidies, concessions, State-owned or self-government-owned companies, the financing of public duties or European Union funds, and identifying the assets concerned, movements of funds, chains of contracts, beneficial ownership relationships and economic links;

c) detecting, analysing and assessing risks relating to the management of public assets;

d) where a risk relating to the unlawful management of public assets arises, taking the measures necessary to protect public assets;

e) requesting another organ to take measures or initiate proceedings;

f) performing law enforcement duties as provided for by the Code of Criminal Procedure and duties involving assistance in the administration of justice; and

g) preparing public risk analyses containing indications, analyses and recommendations concerning general or systemic risks relating to the management of public assets, as well as findings based on its experience.

Section 3 For the purposes of this Act:

1. *public assets* means any of the following:

a) things, rights, claims, financial assets and ownership interests in legal persons owned by the State, a local government or a budgetary organ;

b) things, rights, claims, financial assets and ownership interests in legal persons or other organisations owned by an economic operator which is under the control of the State, a local government or a budgetary organ within the meaning of section 8:2 of Act V of 2013 on the Civil Code (hereinafter the "Civil Code");

c) things, rights, claims, financial assets and ownership interests in legal persons owned by a foundation established by, or with the participation of, the State, a local government or an economic operator which is under the control of the State or a local government within the meaning of section 8:2 of the Civil Code; and

d) the appropriations of budgetary organs belonging to the central government and local government subsectors of the general government sector, appropriations managed at budget heading level and centrally managed appropriations, and appropriations of the social security funds and separate state funds;

2. *management of public assets* means the management, asset management, operation, use, utilisation, encumbrance and alienation of the public assets referred to in point 1 a) to c), and the use of the appropriations referred to in point 1 d).

Section 4 (1) For the performance of its duties, the Office:

a) shall conduct public asset protection risk assessments;

b) shall conduct public asset protection investigations;

c) may order public asset protection supervision;

d) may bring an action as provided for by Act;

e) may request another organ to initiate proceedings;

f) shall exercise the powers specified by Act in connection with authority proceedings, administrative court actions and criminal proceedings; and

g) shall act in the public interest.

(2) The competence of the Office shall not extend to activities of the Hungarian National Bank falling within the scope of the tasks specified in section 4 (1) to (9) of Act CXXXIX of 2013 on the Hungarian National Bank.

Section 5 (1) For the performance of its duties, in the cases specified by the Code of Criminal Procedure, the Office:

a) shall conduct preparatory proceedings and supervise the lawfulness of preparatory proceedings conducted by another organ;

b) shall supervise whether the investigating authority conducts detection in compliance with the provisions of the Act and shall control the examination;

c) shall investigate;

d) shall exercise other rights specified by law in connection with investigations;

e) shall exercise, as a public prosecutor, the public authority to bring an indictment, represent the prosecution in court proceedings, and exercise the rights to seek legal remedies conferred on it by the Code of Criminal Procedure.

Section 6 (1) The Office shall perform its duties in accordance with the requirements of lawfulness, independence, objectivity, impartiality, the protection of public assets, respect for fundamental rights, necessity, proportionality, purpose limitation and data security. A fundamental rights officer shall operate within the Office as provided for in the organisational and operational rules.

(2) In the course of its proceedings, the Office may take measures that are necessary and proportionate to the objective sought to be achieved through the exercise of its powers.

(3) State and self-government organs, legal persons, organisations without legal personality and natural persons shall cooperate with the Office in the performance of its duties in the manner specified by Act.

Section 7 (1) Regarding its functions, the Office may, provided that this does not prejudice the performance of its functions and powers or its independence, carry out activities aimed at contributing to the prevention of corruption, ensuring professional training, participating in international cooperation, and coordinating and exchanging experience with domestic anti-corruption institutions.

(2) For the purposes of coordination and exchange of experience regarding its functions, the Office may cooperate with, or conclude cooperation agreements with, other domestic and European Union organs having relevant functions and powers, as well as with international organisations.

2. Status of the Office

Section 8 (1) The Office shall be a central budgetary organ with the status of an organ in charge of managing a budget heading.

(2) The seat of the Office shall be in Budapest.

Section 9 (1) The budget of the Office shall constitute a separate budget heading in the Act on the central budget.

(2) The President of the Office shall draw up the proposal for the budget of the Office and the account concerning its implementation, which the Government shall submit to the National Assembly without amendment as part of the legislative proposal for the central budget and the legislative proposal for its implementation.

(3) The budget of the Office shall be established so that the aggregate amount of the appropriations for operational expenditure and capital expenditure is not lower than the aggregate amount of the same appropriations set in the central budget for the previous year, excluding the amount of budgetary support requested for one-off capital expenditure and temporary changes in staffing levels related to non-permanent changes in tasks.

(4) The Office's budget may not be reduced, except as provided for in paragraph (3), without the consent of the Office.

Section 10 (1) The Office shall be independent in the performance of its duties, shall be subordinated only to law, and shall not be instructed by another person or organ in the exercise of its functions. A duty may be established for the Office only by Act.

(2) The Office shall perform its duties separately from other organs and without any undue influence from any other legal person, organisation without legal personality or natural person.

(3) Any member of the personnel of the Office shall be required to resist any attempt at undue influence that affects the independent performance of the Office's duties or the exercise of its powers in an individual case. The President of the Office shall inform the committee of the National Assembly vested with the relevant functions of any particularly serious or repeated attempt at undue influence within five working days of its occurrence.

3. Reporting obligation

Section 11 The President of the Office shall submit the annual account on the Office's activities in the previous year to the National Assembly by 31 May of the year following the year in question.

Section 12 (1) The President of the Office shall submit the annual account to the National Assembly as a public account. The account shall be published on the website of the Office.

(2) The public account shall contain, in particular:

a) the main data on the operation of the Office in the year in question;

b) the types, number and outcome of proceedings conducted by the Office, in particular the number of crime reports, requests for the initiation of proceedings and other measures, where the Office does not conduct criminal proceedings;

c) the main risk factors identified by the Office;

d) aggregated data on the exercise of powers related to criminal proceedings, which do not contain personal data or classified data.

(3) In the event of a particularly significant systemic risk affecting the management of public assets, the President of the Office may provide *ad hoc* information to the committees of the National Assembly vested with the relevant functions.

4. Review of draft legislation and the right to make proposals

Section 13 (1) The President of the Office shall participate in the preparation of legislation concerning the status and functions of the Office.

(2) The draft legislation referred to in paragraph (1) shall be sent to the Office for review, allowing adequate time for its review.

(3) The Office shall assist the National Assembly, its committees and the organs involved in the preparation of legislation by providing findings, proposals and advice based on its experience in the performance of its duties, and may, in particular, make proposals for legislation concerning the protection of public assets. The annual account may also contain the proposals of the Office.

Chapter II

Organisation and personnel of the Office

5. Management of the Office

Section 14 (1) The Office shall be headed by the President.

(2) The President shall be assisted in his work by:

a) the Vice-President for Public Finance;

b) the Vice-President for Investigations;

c) the Vice-President responsible for Indictment; and

d) the Vice-President for Appeals.

(3) The Vice-Presidents shall act independently in the exercise of their functions and powers in the cases specified by this Act and as provided for in the organisational and operational rules.

(4) The President of the Office shall be responsible for the lawful, independent, professional and effective operation of the Office and for the exercise of its functions and powers.

(5) Acting independently, the President of the Office:

a) shall head the administrative apparatus of the Office and, as provided for by law, exercise employer’s powers over the personnel of the Office;

b) shall represent the Office;

c) shall decide on the principles of the Office’s remuneration policy and on non-wage benefits;

d) shall perform all duties that the Act on public finances assigns to the head of the organ in charge of managing a budget heading;

e) shall perform duties relating to strategy-making and planning in relation to the recovery and protection of public assets.

(6) The President of the Office shall determine in the organisational and operational rules of the Office the organisation, core headcount, operational rules and the rules governing authentic copy issue of the Office, in particular the functions and powers exercised independently by each Vice-President, and the rules governing the substitution of the President and Vice-Presidents of the Office.

(7) In the event of an impediment or the termination of the legal relationship of the President of the Office, except in the case referred to in paragraph (8), the functions and powers of the President of the Office shall be exercised by the Vice-President designated in the organisational and operational rules of the Office until the impediment ceases or a new President is elected.

(8) Where the mandate of the President of the Office has terminated due to the expiry of the term of office, the President shall exercise the powers of the President of the Office until the beginning of the mandate of the new President of the Office.

(9) Where the mandate of a Vice-President of the Office has terminated due to the expiry of the term of office, the Vice-President shall exercise the powers of the Vice-President of the Office until the beginning of the mandate of the new Vice-President elected to the same functions.

6. Status of the President and the Vice-Presidents

Section 15 (1) The standing committee of the National Assembly dealing with constitutional affairs shall propose candidates for President and Vice-Presidents of the Office, having regard to the conditions for election specified by this Act. Section 44 (4) to (6) of Act XXXVI of 2012 on the National Assembly shall not apply to the procedure for nominating candidates for President and Vice-Presidents of the Office. In carrying out its proposal-making duties relating to the mandates of the President and Vice-Presidents of the Office, the standing committee of the National Assembly dealing with constitutional affairs shall also involve representatives of civil society organisations in its work in a consultative capacity.

(2) The President and the Vice-Presidents may not be re-elected.

(3) Following their election, the President and the Vice-Presidents shall take the oath before the National Assembly.

(4) The mandate of the President and Vice-Presidents shall commence on the day following their election, unless the National Assembly, in its resolution on their election, determines a later commencement date.

(5) Except as provided for in paragraph (6), the President and Vice-Presidents of the Office shall perform their activities in a public service relationship, and the provisions of Act CVII of 2019 on special status organs and the legal status of persons employed by them (hereinafter the “Special Status Organs Act”) shall apply to their legal relationship, subject to the derogations provided for by this Act.

(6) Subject to the derogations provided for by this Act, the provisions of Act CLXIV of 2011 on the legal status of the Prosecutor General, prosecutors and other prosecution service employees and the prosecutorial career (hereinafter the “Prosecutor Status Act”) concerning prosecutors assigned to the Office shall apply to the legal relationship of Vice-Presidents in a prosecution service relationship. In matters not regulated by this Act and by the provisions of the Prosecutor Status Act concerning prosecutors assigned to the Office, the provisions of the Special Status Organs Act shall apply.

Section 16 (1) The conditions of employment under the Special Status Organs Act shall apply to the President of the Office and to the Vice-President not in a prosecution service relationship subject to the derogations and supplementations provided for in this section.

(2) A person may be elected President of the Office if he

a) satisfies the conditions relating to having no criminal record specified in section 11 (4) of the Prosecutor Status Act;

b) holds a qualification in law or a higher education degree in the field of economics, state sciences, political science, public administration science or another social science; and

c) has at least fifteen years of professional experience in one of the fields referred to in point b), or holds a scientific degree in one of the scientific fields referred to in point b) and has ten years of professional experience.

(3) A person may be elected Vice-President for Public Finance of the Office if he

a) satisfies the conditions relating to having no criminal record specified in section 11 (4) of the Prosecutor Status Act;

b) holds a qualification in law or a higher education degree in the field of economics, state sciences, political science, public administration science or another social science; and

c) has at least fifteen years of professional experience in a field falling within the functions of the state tax authority or the customs authority.

(4) Only a prosecutor in a prosecution service relationship may be elected Vice-President of the Office referred to in section 14 (2) b) to d) and shall perform his duties as a prosecutor assigned to the Office.

(5) A person may not be elected President or Vice-President of the Office if, during the six years preceding the day of election, he

a) has served as President of the Republic, Member of the National Assembly, Member of the European Parliament, local government or county local government representative, national minority self-government representative, mayor or deputy mayor, Mayor of Budapest or Deputy Mayor of Budapest, president or vice-president of a county general assembly;

b) has been a member of the Government, senior political executive, political executive, government commissioner, prime ministerial commissioner or ministerial commissioner; or

c) has held an office in a political party or been employed by a political party.

Section 17 (1) Following their election, and annually thereafter, the President and Vice-Presidents of the Office shall make a declaration of assets. The rules relating to the declaration of assets of the Members of the National Assembly shall apply accordingly to the declaration of assets.

(2) The mandate of the President or Vice-President of the Office shall be terminated on the grounds of incompatibility where he refuses to comply with the obligation to make a declaration of assets, fails to fulfil such obligation, or intentionally provides material information or states a material fact falsely in the declaration of assets.

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Section 18 (1) In the course of its asset declaration verification procedure, the Integrity Authority may verify the declaration of assets of the President and Vice-Presidents of the Office, as well as the declarations of assets of relatives related thereto, in accordance with section 19/A (1) 20 of Act XXVII of 2022 on the control of the use of European Union budget funds.

(2) If, in its report drawn up on the basis of the verification referred to in paragraph (1), the Integrity Authority establishes that the President or Vice-President of the Office has failed to comply with the obligation to make a declaration of assets or has intentionally provided false information on a material fact or data in the asset declaration, the standing committee of the National Assembly dealing with immunity cases shall propose the establishment of immunity in accordance with section 17 (2).

(3) If, in its report drawn up on the basis of the verification referred to in paragraph (1), the Integrity Authority identifies, in relation to the declaration of assets, a deficiency of an exclusively administrative nature that is of more than minor or negligible significance and does not fall under paragraph (2),

a) the Integrity Authority may not conduct authority proceedings for the imposition of an asset declaration fine, and

b) taking into account the findings of the report, it shall request the standing committee of the National Assembly dealing with immunity cases to impose, pursuant to paragraphs (4) to (6), a fine on the President or Vice-President of the Office.

(4) The provisions governing the incompatibility and conflict of interest procedure shall apply to the imposition of the fine subject to the derogations laid down in this section. If, in the course of the procedure, it is established that the deficiency identified in the report drawn up by the Integrity Authority on the basis of the verification referred to in paragraph (1) is substantiated, the standing committee of the National Assembly dealing with immunity cases shall, taking into account the gravity of the omission, decide on the imposition of a fine ranging from one hundred thousand to five million forints. The payment of the fine shall be arranged in such a way that it constitutes revenue of the operating budget of the heading of the central budget relating to the Office.

(5) The President or Vice-President of the Office may, within eight days of the written communication of the decision on the fine, request the National Assembly to set aside the decision by submitting an application to the Speaker of the National Assembly. The National Assembly shall decide on the application, without debate, at its sitting following the submission of the application, provided that the application is received by the last working day of the week preceding the sitting at the latest. Otherwise, the National Assembly shall decide on the application at its second sitting following its submission.

(6) Where an application referred to in paragraph (5) is submitted, the National Assembly may uphold the decision of the standing committee of the National Assembly dealing with immunity cases or, by granting the application, set it aside.

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Section 19 (1) The mandate of the President or Vice-President of the Office shall terminate:

a) upon the expiry of the term of office;

b) upon reaching the age of 70 years;

c) upon resignation;

d) upon the establishment of incompatibility or a conflict of interest;

e) upon dismissal; or

f) upon death.

(2) The President and Vice-Presidents of the Office may resign from office at any time by tendering a resignation in writing to the Speaker of the National Assembly. Acceptance of the resignation shall not be required to make resignation effective. The mandate of the President or Vice-President of the Office shall terminate on the day indicated in the resignation or, failing this, on the day following the date on which the statement is made.

(3) The National Assembly shall establish incompatibility or a conflict of interest with the President or Vice-President of the Office on a proposal from the standing committee of the National Assembly dealing with constitutional affairs or, in the case referred to in section 17, from the standing committee of the National Assembly dealing with immunity cases.

(4) The mandate shall be terminated by dismissal if the President or Vice-President of the Office does not perform or is unable to perform his duties arising from the mandate for a period exceeding thirty days, or if the conditions for his election are no longer met. The standing committee of the National Assembly dealing with constitutional affairs may initiate such dismissal, and the National Assembly shall decide on the dismissal.

(5) If the mandate of a Vice-President who is a prosecutor assigned to the Office terminates, the President of the Office shall communicate this to the Prosecutor General in writing for the purposes of taking the necessary measures.

(6) The President or the Vice-President of the Office shall be entitled to severance pay only if his mandate terminates pursuant to paragraph (1) a).

Section 20 (1) The monthly remuneration of the President of the Office shall be equal to 7 times the remuneration basis of judges.

(2) The monthly remuneration of a Vice-President of the Office shall be equal to 5.5 times the remuneration basis of judges.

(3) The President of the Office shall be entitled to the same benefits as a Minister, and a Vice-President of the Office shall be entitled to the same benefits as a permanent state secretary.

(4) The President of the Office shall be entitled to twenty working days of executive additional annual leave in each calendar year, and a Vice-President of the Office shall be entitled to fifteen working days of executive additional annual leave in each calendar year.

Section 21 (1) During his mandate, the President or Vice-President of the Office may not be an executive officer, a member required to provide personal services, or a representative of an organisational unit without legal personality of a company, cooperative company or cooperative; a member of the supervisory board of a company, cooperative company or cooperative; or an unlimited liability member of a company or cooperative company, a member of an individual firm, or an executive officer or member of the supervisory board of a civil society organisation.

(2) In addition to performing his office, the President and Vice-Presidents of the Office may not have an employment-related relationship, hold public office or engage in gainful activity, except for scientific or lecturing activities (including activities as a coach, competition judge or referee), artistic activities, copyright-protected activities, reviewer and editorial activities, technical creative work, and entering into a foster parent occupational relationship, provided that this does not jeopardise his independence and impartiality or impede the performance of his official duties.

Section 22 (1) The President and Vice-Presidents of the Office shall enjoy the same immunity as a Member of the National Assembly.

(2) With regard to immunity, the procedural rules applicable to the immunity of Members of the National Assembly shall apply. The National Assembly shall decide on the lifting of immunity; any measure necessary where immunity has been violated shall be taken by the Speaker of the National Assembly.

7. Personnel of the Office

Section 23 The personnel of the Office shall consist of the following:

a) public officials in a public service relationship under the Special Status Organs Act;

b) persons deployed to the Office in a professional service relationship under Act XLII of 2015 on the service relationship of the professional personnel of organs performing law enforcement duties;

c) persons deployed to the Office in a tax and customs authority service relationship under Act CXXX of 2020 on the legal status of the personnel of the National Tax and Customs Administration;

d) persons seconded to the Office in a tax and customs authority service relationship under Act CXXX of 2020 on the legal status of the personnel of the National Tax and Customs Administration; and

e) prosecutors assigned to the Office in a prosecution service relationship.

Section 24 (1) The provisions of the Special Status Organs Act shall apply to the public service relationship of persons employed with the Office, subject to the derogations provided for in this Act.

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(2) Subject to the derogations provided for in this Act, the provisions of the Prosecutor Status Act concerning prosecutors assigned to the Office shall apply to the legal relationship of a prosecutor assigned to the Office. In matters not regulated by this Act and by the provisions of the Prosecutor Status Act concerning prosecutors assigned to the Office, the provisions of the Special Status Organs Act shall apply.

Section 25 (1) A position subject to a public service relationship at the Office may, except as provided for in paragraph (2), be filled on the basis of a public professional application procedure.

(2) The application procedure may be dispensed with where the establishment of a public service relationship is justified in order to ensure the secure, continuous or urgent performance of the Office's duties.

Section 26 A person practising the professional activities of an attorney-at-law may not be a member of the personnel of the Office; the person shall voluntarily suspend the practice of his professional activities for the duration of his legal relationship with the Office.

Section 27 (1) The Office and its public officials shall agree in a public service employment contract on the remuneration, benefits, the amount of additional annual leave, daily working time and the standard work pattern.

(2) In the case referred to in section 23 b) to d), the remuneration, benefits, the amount of additional annual leave, daily working time and the standard work pattern of the person deployed or seconded shall be agreed in the deployment or secondment agreement, with the proviso that the remuneration of the person deployed or seconded may not be less than the total amount of the remuneration and other regular remuneration-related benefits to which he was entitled in the month preceding the deployment or secondment in the legal relationship referred to in section 23.

(3) In the case referred to in section 23 e), the remuneration and benefits of the prosecutor assigned to the Office shall be specified in the decision on the assignment, with the proviso that the remuneration of the prosecutor assigned to the Office may not be less than the total amount of the remuneration and other regular remuneration-related benefits to which he was entitled in the month preceding the assignment in the legal relationship referred to in section 23.

(4) The Office shall not be subject to the data reporting requirements relating to public administration personnel activities.

(5) With the exception of the President and Vice-Presidents, members of the personnel of the Office shall be subject to an obligation to make a declaration of assets pursuant to section 3 (1) of Act CLII of 2007 on certain obligations to make a declaration of assets.

Section 28 A member of the personnel of the Office shall be required to

a) make an integrity declaration specified by the President of the Office;

b) comply with his obligation to make a declaration of assets prescribed by law;

c) report the occurrence of a ground for incompatibility and conflict of interest within three working days of its occurrence;

d) report any personal, economic or political relationship or other interest in a matter falling within the functions of the Office; and

e) preserve any data, document or information that comes to his knowledge in the performance of his duties and use it exclusively for the purpose of exercising the functions and powers of the Office.

Section 29 (1) A member of the personnel of the Office may not act in a matter in which he cannot be expected to act impartially, objectively and free from influence.

(2) For a period of two years following the termination of his legal relationship with the Office, a member of the personnel of the Office may not act as a judge, prosecutor, representative, expert, advisor or other person providing assistance in a matter in which he acted at the Office or whose material data or documents he became aware of at the Office.

Section 30 (1) Within the competence of the Office under the Code of Criminal Procedure, only a prosecutor assigned to the Office, a person deployed to the Office or a financial investigator seconded to the Office may act, with the proviso that only a prosecutor assigned to the Office may bring an indictment and represent the prosecution.

(2) In civil court proceedings and administrative court proceedings, the Office may be represented exclusively by a registered in-house legal counsel or a prosecutor assigned to the Office.

Chapter III

Functions and powers of the Office

8. Public asset protection risk assessments

Section 31 (1) The Office shall conduct public asset protection risk assessments.

(2) A public asset protection risk assessment shall identify individual and systemic risks and problems relating to the management of public assets, the means available for addressing them, deficiencies in addressing such risks and problems, and possible solutions.

(3) A public asset protection risk assessment shall not constitute an administrative authority procedure, may not establish an infringement, liability or payment obligation, and may not serve as a direct basis for the application of a sanction.

(4) On the basis of the results of a public asset protection risk assessment, the Office may initiate a public asset protection investigation, request another organ to initiate proceedings, or present systemic risks in its annual report and make legislative, organisational, institutional or other proposals.

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Section 32 (1) The Office shall publish on its website the methodology applied in public asset protection risk assessments. The published methodology shall contain, in particular, the purpose and general principles of public asset protection risk assessments, the main risk areas, the main types of data and indications that may be taken into account in risk assessments, and the safeguards for objective case selection.

(2) The publication of the methodology referred to in paragraph (1) may not result in the decision-preparatory analyses of the Office, its findings concerning the selection of individual cases, its internal working documents, or any data or information that could jeopardise the effectiveness of an ongoing or planned public asset protection investigation becoming accessible.

Section 33 (1) In conducting a risk assessment, the circumstance shall be considered a significant risk if, in any of the five financial years preceding the risk assessment for which financial statements have been closed, the revenue derived from

a) public procurement procedures or concession procurement procedures under Act CXLIII of 2015 on public procurement (hereinafter the “Public Procurement Act”),

b) procurement procedures for defence and security purposes under Act XXX of 2016 on procurement for defence and security purposes,

c) competitive (procurement) procedures based on the internal rules of the public authority concluding the contract,

d) public funds received as support , or

e) State or European Union funding,

or the amount of a loan guaranteed by the State reaches seventy-five per cent of the aggregate net turnover of an economic operator within the meaning of the Public Procurement Act and its affiliated undertaking within the meaning of Act LXXXI of 1996 on corporate tax and dividend tax.

(2) For the purposes of paragraph (1), net turnover means:

a) in the case of an undertaking falling within the scope of Act C of 2000 on accounting (hereinafter the “Accounting Act”), the net turnover from sales as defined in the Accounting Act;

b) in the case of any other economic operator and its affiliated undertaking [including those applying International Financial Reporting Standards (IFRS)], the revenue from ordinary activities, or corresponding revenue, determined or understood within the meaning of the financial reporting framework forming the basis for the preparation of the financial statements.

(3) In determining the aggregate net turnover referred to in paragraph (1) of an economic operator under the Public Procurement Act and its affiliated undertakings, revenue from transactions between them shall be disregarded.

9. Public asset protection investigation

Section 34 (1) On the basis of the circumstances identified as a result of a public asset protection risk assessment, the Office shall conduct a public asset protection investigation *ex officio*. In the case referred to in section 33, the Office shall be required to conduct a public asset protection investigation. The Office may also conduct a public asset protection investigation on the basis of a report, complaint or indication from another organ.

(2) The purpose of a public asset protection investigation is to provide a basis for taking a public asset protection measure.

(3) Public asset protection measures shall include:

a) initiating authority proceedings for ordering public asset protection supervision;

b) exercising the power to initiate proceedings falling within the powers of the Office;

c) requesting another organ to initiate proceedings.

(4) More than one of the public asset protection measures may be taken simultaneously.

Section 35 (1) The Office shall close the public asset protection investigation by preparing a report summarising its results.

(2) The report concluding the public asset protection investigation shall contain a detailed presentation of the facts identified in the course of the public asset protection investigation and, where a public asset protection measure has been taken, the nature of the measure taken and the circumstances on which it was based.

(3) In the report concluding the public asset protection investigation, the Office shall observe the rights of others and may not express an opinion. The Office may publish the report on its website if this is justified by the social, economic or budgetary significance of the facts contained in the report. The report shall not be published if disclosure of any fact contained therein would jeopardise the success of the public asset protection measure taken.

Section 36 The public asset protection investigation shall not constitute administrative authority proceedings, except for the imposition of a fine under section 47, and no administrative court action may be brought in connection with public asset protection investigation activities, except for the imposition of a fine under section 47.

Section 37 (1) The Office shall initiate the public asset protection investigation in writing.

(2) The document initiating the public asset protection investigation shall contain:

a) the legal basis for the investigation;

b) the subject matter and purpose of the investigation;

c) the period investigated, where it can be determined having regard to the subject matter of the investigation;

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d) the person or organisation required to cooperate, where known at the time of initiating the investigation;

e) the main directions of the investigation; and

f) the scope of the main investigative measures that may be applied.

Section 38 (1) The public asset protection investigation shall be completed within six months of its initiation.

(2) In justified cases, in particular having regard to the complexity of the case, the volume of the data or documents concerned, the need for the involvement of an international or other body, or the number of investigative acts, the President of the Office or a person authorised to do so under the organisational and operational rules of the Office may extend the time limit for the public asset protection investigation on one occasion by no more than six months.

(3) In a particularly complex case, the President of the Office may extend the time limit for the public asset protection investigation on one further occasion by no more than six months.

(4) Where a person or organisation required to cooperate has been notified of the initiation of the public asset protection investigation, he or it shall also be informed of the extension of the time limit for the investigation, unless such information would jeopardise the effectiveness of the public asset protection investigation.

(5) Where the time limit available for conducting the public asset protection investigation has expired, the public asset protection investigation shall be closed. A new public asset protection investigation with the same subject matter and purpose may be conducted only if a fact or data previously unknown to the Office comes to the knowledge of the Office.

Section 39 (1) In the course of a public asset protection investigation, the Office may examine:

a) organisations and institutions managing funds from the central budget;

b) the use of centrally managed appropriations and appropriations managed at budget heading level under the central budget;

c) the use of support provided from public finances or of funds provided from public finances for any purpose and on any legal basis;

d) the financial management of local governments, national minority self-governments and their associations;

e) the management of assets forming part of, or having fallen outside the scope of, the national assets, the financial management of such assets, and compliance with the rules governing the alienation or encumbrance of assets forming part of the scope of the national assets;

f) the asset management of publicly owned or formerly publicly owned economic operators, and their activities aimed at preserving the value of assets and increasing their assets;

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g) planned, ongoing or completed measures or projects receiving financial support, in whole or in part, from the European Union; and

h) the management of other public assets not falling within the scope of points a) to g).

(2) Where a beneficiary organisation receives from public finances or from European Union funds financial support, excluding the transfer, at the taxpayer's direction, of a specified portion of personal income tax, or assets free of charge, the Office may examine the entirety of the beneficiary organisation's financial management activities.

(3) The Office may examine procurements financed from the subsectors of the general government, including services procured, and contracts concerning public assets, at the parties concerned by the contract or at natural or legal persons acting on their behalf or as their representatives, as well as at those contracting parties that are responsible for the performance of the contract and those involved in the performance of the contract, including, in particular, investment funds, a party entitled under credit or loan contracts, and concessionaires.

Section 40 (1) In the course of the public asset protection investigation, the Office shall identify the circumstances providing a basis for taking a public asset protection measure.

(2) The Office shall select and conduct investigative acts in such a way as to ensure that they are necessary for achieving the purpose of the public asset protection investigation, suitable for identifying the relevant circumstances, and proportionate having regard to the rights of those concerned.

(3) In the course of the public asset protection investigation, the Office may, in particular, carry out the following investigative acts:

a) requesting data, documents and information;

b) inspecting documents and making copies thereof;

c) requesting information and statements;

d) conducting an on-site investigation;

e) extracting or copying electronic documents, data files and data stored on a data-storage medium;

f) making requests to another organ;

g) obtaining data from public and publicly certified registers;

h) combining and analysing data lawfully available to it; and

i) engaging an expert, specialist adviser or other professional contributor.

(4) In the course of the public asset protection investigation, the following shall be required to cooperate with the Office:

a) central state administration organs and their territorial and local bodies, as well as capital and county government offices, national defence organisations, local governments, national minority self-governments, associations and their offices;

b) central or self-government budgetary organs, organs in charge of managing a budgetary heading, organs managing appropriations managed at budget heading level and centrally managed appropriations, and organisations managing, participating in the provision of or monitoring support;

c) State-owned or self-government-owned economic operators or economic operators performing public duties;

d) public interest asset management foundations performing public duty, public foundations, statutory professional bodies, and organisations maintained, financed or controlled by them;

e) organisations managing public funds, exercising the right of disposal over public assets, or participating in public procurement, support or concession relationships or public duty performance legal relationships; and

f) natural persons, legal persons organisations without legal personality that may have relevant data, documents or information in connection with the management of public assets.

(5) The Office shall adopt a decision on any investigative act entailing an obligation to cooperate; the decision shall not constitute a decision on the merits or an authority decision, and no legal remedy shall be available against it.

(6) A time limit proportionate to the nature and extent of the obligation to cooperate shall be specified for compliance with such obligation in connection with the investigative act.

(7) Section 81 (1) to (5) of Act CL of 2016 on the Code of General Administrative Procedure (hereinafter the "General Administrative Procedure Code") shall apply to the mandatory content of the decision referred to in paragraph (5), including the statement of reasons, subject to the derogations provided for in this Act. Sections 85 to 87 of the General Administrative Procedure Code shall apply to the communication of the decision.

(8) In the course of the public asset protection investigation, those subject to an obligation to cooperate shall have the rights provided for in the General Administrative Procedure Code concerning making party statement, language use, and the procedural protection of minors, adults having no or partially limited capacity to act, and persons with disabilities. Section 26 (1) of the General Administrative Procedure Code shall apply to communication.

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Section 41 (1) The Office may make a request to another organisation or person, setting a time limit of at least five days, if another organisation or person has data or documents necessary for the investigation.

(2) The organisation or person requested shall be informed of the subject matter of the request, the cases of refusal to cooperate specified in this Act, and the legal consequences of providing false or incomplete data.

(3) Where the organisation or person requested in the context of a data request does not comply with the request because this is precluded by an Act, no further procedural act involving the organisation or person requested may be carried out for the purpose of obtaining the data in their possession.

Section 42 (1) In the course of the public asset protection investigation, the Office may call upon the head or employee of the organ concerned, a party to a legal relationship arising in connection with the management of public assets, or another person having relevant data or information to make a statement.

(2) The person called upon to make a statement shall be informed of the subject matter on which the statement is to be made, the cases of refusal to cooperate specified in this Act, and the legal consequences of making a false or incomplete statement.

(3) The Office shall draw up minutes of the oral statement. The minutes shall be made available to the person making the statement, who shall be given an opportunity to make observations thereon.

(4) The Office may also take the oral statement by means of an electronic communications device if the conditions for identification, drawing up the minutes and data security are ensured.

Section 43 (1) The Office may conduct an on-site investigation at an organisation or person that may have data, information, documents or electronic data files relating to the management of public assets.

(2) In the course of the on-site investigation, a member of the personnel of the Office shall be entitled to:

a) enter premises not intended for residential use that are related to the subject matter of the public asset protection investigation;

b) inspect documents, registers, contracts, supporting documents, data serving as a basis for a decision, electronic data files and data storage media related to the subject matter of the public asset protection investigation;

c) make copies, extracts, certificates or electronic backups of documents, registers and electronic data files;

d) save data related to the subject matter of the public asset protection investigation from an electronic system;

e) request statements and information necessary for the public asset protection investigation.

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(3) At the beginning of the on-site investigation, the member of the personnel of the Office conducting the investigation shall identify himself, present the letter of authorisation entitling him to conduct the on-site investigation, and communicate the fact that the on-site investigation is being conducted. The person participating in the on-site investigation shall be informed of the subject matter of the on-site investigation, the cases of refusal to cooperate specified in this Act, and the legal consequences under this Act of refusing to cooperate.

(4) The Office shall notify the organisation or person concerned of the on-site investigation at least five days in advance, unless prior notification would entail a risk of deletion, alteration or destruction of data, information, documents, electronic data files or register data, or of frustrating the purpose of the on-site investigation.

(5) The member of the personnel of the Office shall draw up minutes of the on-site investigation. The minutes shall contain the place and time at which they were drawn up, the data necessary to identify the persons participating in the on-site investigation, the substance of their statements, and the findings of fact made in the course of the on-site investigation in connection with the public asset protection investigation. The minutes shall also contain advice concerning the rights and obligations. The minutes shall be made available to the person participating in the on-site investigation, who shall be given an opportunity to make observations thereon. The minutes shall be signed by the person who drew them up and, on each page thereof, by the persons participating in the on-site investigation.

Section 44 (1) In saving an electronic document, data file or data stored on a data storage medium, the Office shall ensure that the authenticity and integrity of the data and its subsequent verifiability are preserved.

(2) In the course of the saving referred to in paragraph (1), the member of the personnel of the Office shall record in minutes, in particular:

a) the source of the data and the information necessary to identify the data storage medium or IT system;

b) the time and method of saving;

c) the name and position of the person carrying out the saving;

d) the size of the saved data file and the technical data suitable for identifying it;

e) the security arrangements for the retention of and access to the data; and

f) any observations made by the representative of the organisation or person concerned.

Section 45 A person or organisation required to provide data, grant inspection of documents, make a statement, allow an on-site investigation to be conducted or otherwise cooperate shall breach the obligation to cooperate if that person or organisation:

a) fails to comply within the time limit with a lawful request made by the Office;

b) provides incomplete, false or misleading data;

c) obstructs the inspection of documents, the making of copies or the saving of electronic data;

d) obstructs or frustrates the conduct of the on-site investigation;

e) conceals, destroys, alters or renders inaccessible any data, information, document or data storage medium; or

f) obstructs the member of the personnel of the Office conducting the investigation in the lawful performance of an investigative act.

Section 46 (1) In the course of the public asset protection investigation, cooperation may be refused by

a) a person who would incriminate himself or a relative of his of committing a criminal offence, in relation to the question concerned;

b) a person subject to an attorney-at-law’s obligation of confidentiality and by a person subject to a notary’s obligation of confidentiality, as provided for in paragraph (5);

c) a person who has not been exempted from the obligation of confidentiality, in relation to classified data.

(2) A person may not be required to cooperate where, due to his physical or mental condition, he manifestly cannot be expected to cooperate appropriately.

(3) In the case specified in paragraph (1) c), the classifier designated under the Act on the protection of classified data shall, at the request from the Office, decide whether to grant an exemption or maintain the obligation of confidentiality. The request for an exemption shall specify, in a manner suitable for identification, the questions in respect of which the exemption is requested.

(4) A person required to cooperate may, to the extent necessary for the public asset protection investigation and subject to the exception provided for in paragraph (5), disclose data serving as a basis for a decision, trade secrets, bank secrets, payment secrets, securities secrets, insurance secrets, tax secrets, customs secrets, professional secrets or other data protected by an Act.

(5) The provisions of the Act on the professional activities of attorneys-at-law shall apply to attorneys-at-law’s obligation of confidentiality and the protection of documents prepared for the purposes of defence. Notarial secrets may not be disclosed, and a person subject to a notary’s obligation of confidentiality may not be required to provide data, but may not obstruct the proceedings of the Office.

Section 47 (1) Where a person or organisation required to provide data, grant inspection of documents, make a statement, allow an on-site investigation to be conducted or otherwise cooperate intentionally breaches the obligation to cooperate, the Office may impose a fine on that person or organisation.

(2) The Office may impose a fine only if the call or investigative act giving rise to the obligation to cooperate was lawful, necessary and proportionate.

(3) The amount of the fine may range

a) from fifty thousand forints to fifty million forints in the case of a natural person;

b) from five hundred thousand forints to five billion forints in the case of a legal person or an organisation without legal personality.

(4) A fine may also be imposed repeatedly if, despite the Office’s repeated call, the person or organisation subject to the obligation fails to comply with or continues to be in breach of the obligation to cooperate.

(5) When determining the amount of the fine, the seriousness and repeated nature of the breach of the obligation to cooperate, the significance of the data or document concerned, the economic weight of the person or organisation subject to the obligation, and whether the person or organisation subject to the obligation has ceased the breach shall be taken into account.

(6) The imposition of a fine shall not exempt the person or organisation from complying with the obligation to cooperate.

(7) The fine shall be imposed by the Office in an administrative authority procedure.

(8) The fine shall constitute revenue of the central budget.

Section 48 (1) Where local knowledge, technical access or sector-specific inspection powers are necessary for conducting an investigative act, the Office may call upon another State, self-government, inspection, supervisory or support-managing organ, or an organ exercising authority to provide assistance to the Office in accordance with the rules applicable to its own proceedings.

(2) The organ called upon shall comply with the Office's request as a matter of priority and, at the latest, within fifteen days of the communication of the request. Where compliance with the request requires a longer period, the organ called upon shall inform the Office thereof without delay and specify the expected date of compliance, which may not be later than the thirtieth day following the communication of the request.

(3) The organ called upon may refuse to comply with the request only if compliance with the request would result in a breach of legislation. The refusal shall be made in writing and shall state detailed reasons.

(4) In connection with a request that has not been complied with, the Office may bring an action for failure to act against the organ concerned, in accordance with the provisions of Act I of 2017 on the Code of Administrative Court Procedure, within fifteen days of the communication of the information or of the expiry of the time limit available for providing such information, with the proviso that the court shall give a decision in the action for failure to act within thirty days.

Section 49 In the course of the public asset protection investigation, the Office may take a public asset protection measure on the basis of the circumstances identified.

10. Public asset protection supervision

Section 50 (1) The Office may place an economic operator, or its affiliated undertaking within the meaning of Act LXXXI of 1996 on corporate tax and dividend tax (hereinafter jointly "economic operator") under public asset protection supervision in an administrative authority procedure.

(2) The decision ordering public asset protection supervision and the decision terminating such supervision shall, in compliance with the rules governing their communication, also be published in the official gazette *Cégközlöny* and on the website of the Office.

Section 51 (1) For a public asset protection supervision to be ordered, the following shall be required:

a) on the basis of the data, facts and circumstances available in the course of the public asset protection investigation, it may reasonably be assumed that there are grounds for initiating criminal proceedings and ordering a coercive measure affecting assets against the economic operator;

b) further data and facts need to be clarified in order to adopt the decision referred to in point a); and

c) the protection of the public assets acquired by or under the control of the economic operator cannot be ensured by other means.

(2) Public asset protection supervision shall be reviewed if

a) a coercive measure affecting assets is ordered in the criminal proceedings in respect of part of the economic operator's assets; or

b) the Office has secured part of the economic operator's assets in other proceedings.

(3) Public asset protection supervision shall be terminated if

a) the reason for ordering it has ceased to exist;

b) a coercive measure affecting assets has been ordered against the economic operator in the criminal proceedings and the economic operator has no further assets the preservation of which requires the public asset protection supervision to be maintained;

c) the Office has secured the economic operator's assets in other proceedings and the economic operator has no further assets the preservation of which requires the public asset protection supervision to be maintained; or

d) the public asset protection investigation has been closed and, as a result thereof, no criminal proceedings or other proceedings falling within the jurisdiction of a court have been initiated.

(4) The continuation of public asset protection supervision shall be reviewed every six months.

Section 52 (1) In exercising public asset protection supervisory powers, the Vice-President for Public Finance shall act on behalf of the State as the supervisor (hereinafter the “supervisor”).

(2) In exercising the functions assigned to him under this section, the supervisor shall review the financial position of the economic operator placed under public asset protection supervision, monitor its operations and, where necessary, may take a public asset protection supervisory measure within the framework of the authority decision ordering public asset protection supervision.

(3) For the performance of his tasks, the supervisor

a) may inspect the documents, accounting records and books of the economic operator placed under public asset protection supervision;

b) may request information from the executive officers and members of the economic operator placed under public asset protection supervision, the members of the supervisory board, the standing auditor and the employees of the economic operator placed under public asset protection supervision;

c) may examine the payment account, cash holdings, financial assets, securities and stocks of goods, as well as the contracts, of the economic operator placed under public asset protection supervision.

(4) In the authority decision ordering public asset protection supervision, the Office shall specify which of the supervisory measures referred to in paragraph (5) the supervisor may take in respect of the economic operator placed under public asset protection supervision.

(5) As part of a public asset protection supervisory measure and within the scope specified in the authority decision of the Office ordering public asset protection supervision, the supervisor

a) shall countersign the commitments of a financial nature of the economic operator placed under public asset protection supervision;

b) shall take decisions in matters falling within the powers of the supreme decision-making body of the economic operator placed under public asset protection supervision and, in particular, take all measures necessary to maintain the operational capacity of the economic operator placed under public asset protection supervision.

(6) A commitment of a financial nature made without the countersignature referred to in paragraph (5) a) shall be null and void.

(7) The supervisor may take a supervisory measure that is necessary having regard to the circumstances referred to in section 51 (1) and proportionate to the public asset protection objective.

(8) The supervisor shall, without delay, inform in writing the executive officers and the members of the supervisory board of the economic operator placed under public asset protection supervision of any decision it takes in a matter falling within the powers of the supreme decision-making body of the economic operator placed under public asset protection supervision. The decision-making power referred to in paragraph (5) b) shall not otherwise affect the functions and powers of the supreme decision-making body of the economic operator placed under public asset protection supervision.

(9) The State shall be liable to pay recompense in an amount equal to the loss actually incurred by the economic operator placed under public asset protection supervision or its owner for damage caused by the supervisor by a decision taken within the scope of his functions, if the damage results from the enforcement of a decision subsequently annulled by the court.

11. Powers to request the initiation of and to initiate proceedings

Section 53 Where, on the basis of the public asset protection investigation, proceedings by another organ, in particular an authority, an inspection organ, a supervisory organ, an organ exercising ownership rights or a court, are warranted, the Office shall request the organ concerned to initiate proceedings and transmit to that organ the necessary data, information, documents, electronic data files, register data and recommendations.

Section 54 (1) Where, in the course of the public asset protection investigation, the Office becomes aware of data indicating that preparatory proceeding or investigation needs to be initiated under the Code of Criminal Procedure, the Office shall take the measures specified therein and in paragraphs (2) and (3).

(2) Where, on the basis of the public asset protection investigation, the suspicion of a criminal offence can be established, and the conduct of the criminal proceedings falls within the powers of the Office, the Office shall decide whether to initiate the criminal proceedings within its own powers or not to do so.

(3) Where, on the basis of the public asset protection investigation, the suspicion of a criminal offence can be established, and the Office does not initiate the criminal proceedings within its own powers, or the conduct of the criminal proceedings does not fall within the powers of the Office, the Office shall make a crime report and initiate the necessary asset-securing measure or other procedural act.

12. Powers relating to authority proceedings

Section 55 (1) The Office may call upon an organisation having functions and powers in the control of the use of funds originating from the subsectors of the general government and European Union funds to initiate proceedings. On the basis of the Office’s call, the organisation having the relevant functions and powers shall initiate proceedings *ex officio* within fifteen days of receipt of the call.

(2) The organisation having the relevant functions and powers may refuse the Office’s call only if complying with it would be contrary to law.

(3) The Office shall have the status of a party in the authority proceedings under this section.

13. The public interest protection duties of the Office

Section 56 (1) In the event of a breach of legislation governing public assets or the management of public assets, the Office may, in the cases and manner provided for by law, take action to ensure lawfulness.

(2) Chapter IV of Act CLXIII of 2011 on prosecution service shall apply accordingly to action taken by the Office under this Subtitle, with the proviso that any reference to a prosecutor shall be construed as a reference to the Office.

Section 57 The Office shall be entitled to exercise the powers referred to in section 29 (1) to (5) of Act CLXIII of 2011 on prosecution service.

Chapter IV

Data processing

14. Rules on the processing of data in connection with public asset protection investigations

Section 58 (1) In the course of the public asset protection investigation, the Office shall be entitled to access, request, combine, analyse and process the data, documents and information specified in this Act.

(2) The entitlement referred to in paragraph (1) may be exercised to the extent necessary for the exercise of the Office's powers and to the extent and for the period proportionate to the objective sought to be achieved.

(3) The Office shall process the natural identification data necessary for the identification of a natural person concerned by the public asset protection investigation and other personal data that are strictly necessary for conducting the public asset protection investigation for the purposes of conducting the public asset protection investigation and any public asset protection measure that may subsequently be taken.

(4) The period of processing referred to in paragraph (3) may not exceed the period necessary for conducting the public asset protection measure. The necessity of the processing shall be reviewed every three years.

(5) The Office may delay the exercise of the rights provided to data subjects under Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter the "General Data Protection Regulation"), restrict the content of the information provided or omit providing the information, to the extent proportionate to the objective sought to be achieved, if such measure is strictly necessary for the successful conduct of the Office's public asset protection investigation free from external influence. Where the Office delays the exercise of a data subject's right, or restricts the content of or omits the provision of information, it shall inform the data subject of that fact in a manner that does not otherwise jeopardise the activities of the Office.

(6) Where, in the course of cooperation in a public asset protection investigation conducted by the Office under this Act, an organ or person required to cooperate has provided the Office with data, including personal data, or has granted the Office access to such data, that organ or person shall, in exercising data subject rights under the General Data Protection Regulation, delay the provision of information concerning the fact and content of such operations and the measures taken, restrict the content of such information or omit the provision of such information, to the extent proportionate to the objective sought to be achieved, if such measure is strictly necessary for the successful conduct of the Office's public asset protection investigation free from external influence. Where the organ or person required to cooperate exercises data subject rights, it shall, without delay after receiving the request to that effect, make a request to the Office, which shall, within 15 days, make a statement on the necessity and extent of the restriction. In complying with a request for the exercise of data subject rights, the organ or person required to cooperate may not depart from the position specified by the Office concerning the feasibility of exercising those rights, in particular as regards scope and content.

(7) In the course of the public asset protection investigation, the Office shall process, for the purposes of conducting the investigation, in the manner and to the extent specified by law, any secret protected by law or other data protected by law that are connected with its proceedings or the processing of which is necessary for the successful conduct of the public asset protection investigation.

(8) The Office shall ensure that no secret protected by law or other data protected by law is made public or disclosed to an unauthorised person and that the protection of such protected data as provided for by law is ensured in the proceedings of the Office.

(9) In accordance with the provisions of this Act and the Act on the protection of classified data, a member of the personnel of the Office may, in the course of a public asset protection investigation, access classified data necessary for conducting the public asset protection investigation, make extracts and copies thereof, and retain possession of the classified data.

Section 59 (1) In the course of the public asset protection investigation, the Office shall be entitled to inspect documents, contracts, data serving as a basis for a decision, submissions to a collegiate body, minutes, public procurement documentation, support documents, statements of account, certificates of performance, concession documents, asset management documents, register data and electronic data files relating to the management of public assets.

(2) The right to inspect documents under paragraph (1) shall include viewing the document, making copies, extracts or electronic copies thereof to the extent necessary, and accessing the technical data necessary for verifying the origin, completeness, date of creation and history of modifications of the document.

(3) The Office may take possession of an original document or data storage medium only if making a copy, saving an electronic copy or making a certified copy is not suitable for achieving the purpose of the public asset protection investigation and taking possession of the original document or data storage medium is necessary for establishing the circumstances of the management of public assets. Minutes shall be drawn up in respect of the original document or data storage medium, and it shall be returned as soon as reasonably practicable in the circumstances, unless its retention is justified by another proceeding or a measure provided for by Act.

(4) The Office may process any document, copy, extract, electronic data file or data storage medium that has come into its possession in the course of the public asset protection investigation solely for the purpose of conducting the public asset protection investigation and shall ensure and document their unchanged state, integrity, availability and retrievability.

Section 60 (1) To the extent necessary for conducting the public asset protection investigation, the Office shall be entitled to access data contained in electronic data files, databases, registers, case management systems, document management systems, contract registers, public procurement systems, support management systems, financial systems, asset registers and other IT systems.

(2) For the purposes of the public asset protection investigation, the Office may request data from registers specified by Act, request direct electronic access to them, or establish a data connection with the organ maintaining the register.

Section 61 (1) The Office may make data processed by it in connection with the public asset protection investigation accessible only to a member of its personnel for whom access to the data is necessary for the performance of his official duties and who meets the statutory, security and confidentiality requirements necessary for accessing the data.

(2) The Office shall manage separately, on the basis of access rights and in a logged manner, any document and electronic data file containing data processed by the Office in connection with the public asset protection investigation.

(3) Data processed by the Office in connection with the public asset protection investigation may be transmitted to another organ only if this is necessary for making a request to that other organ to take a measure or initiate proceedings, or for complying with an obligation to cooperate specified by Act.

15. Processing of data by the Office in other proceedings

Section 62 (1) The use in criminal proceedings of any data, document, electronic data file or statement obtained in the course of the public asset protection investigation shall be governed by the provisions of the Code of Criminal Procedure.

(2) Any data, document, electronic data file or statement obtained in the course of the public asset protection investigation may be used in proceedings falling within the other functions and powers of the Office, in particular in authority proceedings for ordering public asset protection supervision, in bringing an action to eliminate harm caused to the public interest, and in the exercise of powers specified by Act in connection with authority proceedings and administrative court proceedings.

(3) In proceedings conducted by the Office as referred to in paragraphs (1) and (2), the further processing of data shall be governed by the provisions of the Acts applicable to the proceedings concerned.

Chapter V

FINAL PROVISIONS

16. Entry into force

Section 63 (1) With the exceptions specified in paragraphs (2) to (6), this Act shall enter into force on the day following its promulgation.

(2) Section 47 shall enter into force on the 16th day following the promulgation of this Act.

(3) Subtitles 19 to 34, 36, 37, 39 to 51, 53 to 68, 70 to 72, 74 to 95, 97 to 99, 102 to 104, 108, 109, 111, 112, 114, 115, 117 to 119, 121, 123 to 125, 127 to 151, 153, 154, 156, 157, 159, 160, 162 to 167, 169 to 173, 175, 176, 178, 179, 181, 182, 184, 185 to 187, 189, 190 and 193 to 195 shall enter into force on the 61st day following the promulgation of this Act.

(4) Section 18 shall enter into force on 26 August 2026.

(5) Subtitle 198 shall enter into force on 1 October 2026.

(6) Subtitle 196 and Subtitle 197 shall enter into force on 1 January 2027.

17. Transitional provisions

Section 64 The President and Vice-Presidents of the Office shall be elected for the first time by the National Assembly within thirty days of the entry into force of this Act.

18. Compliance with the requirement of the Fundamental Law on cardinality

Section 65 Chapters I to IV and Subtitles 17 and 198 qualify as cardinal on the basis of Article 42 (7) of the Fundamental Law.

Section 66 (1) Sections 79, 80, 91 to 94, section 95 1) to j), sections 96, 169, section 170 d) and Annex 1 qualify as cardinal on the basis of Article 46 (6) of the Fundamental Law.

(2) Subtitle 101 qualifies as cardinal on the basis of Article IX (6) and Article 23 of the Fundamental Law.

(3) Subtitle 110 qualifies as cardinal on the basis of Article 24 (9) of the Fundamental Law.

(4) Subtitle 111 qualifies as cardinal on the basis of Article 25 (9) and Article 26 (1) and (2) of the Fundamental Law.

(5) Subtitles 112 and 113 qualify as cardinal on the basis of Article 29 (7) of the Fundamental Law.

(6) Subtitle 116 qualifies as cardinal on the basis of Article XXIX (3) of the Fundamental Law.

(7) Section 212 qualifies as cardinal on the basis of Article 2 (2) of the Fundamental Law.

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(8) Section 218 qualifies as cardinal on the basis of Article 4 (2) and (5) of the Fundamental Law.

(9) Section 328 qualifies as cardinal on the basis of Article XXXI (6) of the Fundamental Law.

(10) Subtitle 183 and Annex 3 qualify as cardinal on the basis of Article XXXI (3), (4) and (5) of the Fundamental Law.

Section 67 Sections 211, 213, 214, 215 and 217 qualify, on the basis of Article 5 (4) and (7) of the Fundamental Law, as provisions of the Rules of Procedure Instruments to be adopted with the votes of two thirds of the Members of the National Assembly present.

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Section 68

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35. Amendment to Act LXVI of 1995 on public documents, public archives and the protection of records kept in private archives

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Section 90

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38. Amendment to Act CXXV of 1995 on national security services

Section 91

Section 92

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Section 95

Section 96

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Section 97

Section 98

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Section 99

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Section 100

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