

**Model European Union Conference**

**Hungary**

**Charter of Digital Fundamental Rights of The European Union- Position Paper**

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Hungary welcomes the proposal for a Charter of Digital Fundamental Rights of The European Union (the ‘Charter’) as we see the need for regulation and development of the digital age. Digitalization will seemingly continue to be relevant in many aspects of our lives and thus the Charter offers an adequate first step to a better regulated digital world. However, there are still many concerns in the Charter that need to be addressed.

1. Digital Constitution and Existing Rights

We do not see the necessity to create a ‘digital constitution’. It is important to address the problems of digitization and develop a legal framework for the digital age but the urge to implement fundamental digital rights is excessive. Many of the rights being proposed, such as human dignity (Article 1), freedom of Information and communication (Article 2) and equality (Article 3) already exist and do not need to be codified again.

1. Internal and External Security

Hungary agrees with Article 4 in so far as that the digital age brings new threats to internal and external security. However, Article 4(2) and 4(3) are incompatible with Hungary’s approach to national security. The exceptions to be granted access to private data should not be based on law and solely legal principles. The safety and security of all citizens in Hungary is of fundamental importance. The measures taken to uphold that level of security cannot and should not be diminished.

1. Freedom of Opinion and Openness

When expression in the digital world adversely affects fundamental values currently protected by the laws of our country, the tighter domestic laws should prevail. Appropriate action should be taken in this event and the offender should not be protected by a freedom of opinion and openness (Article 5).

1. Profiling

The requirements of profiling (Article 6) regarding the use of profiling only if there is a law too strict. Personal data is the key to new business models and necessary for security in the digital world. There should not be a fundamental right against profiling as this is an important tool for the future of our law enforcement.

1. Transparency

Complete transparency (Article 9) is unnecessary and impractical in order to uphold national security.

1. Right to respect for the house

A person has the right to live freely and unobserved in his or her home (Article 10) in so far as they are not suspected of or connected to a threat to national security or unless surveillance is necessary as a matter of law enforcement.

1. Data protection and data sovereignty and Informational self-determination

Data and Information provide invaluable knowledge to the security of a country. It is not practical for every person to singularly determine how his or her data is used (Article 11) if the data is necessary for security. Similarly, there cannot be a guarantee of confidentiality of information systems (Article 12) as that is a danger to the existence of the EU and threatens the security of our citizens.

Propositions

The most important task of any government is to protect the security of its citizens from every harm. As new situations will arise specific to the challenges of the digital age, governments of every country should be adequately equipped to deal with such events as efficiently and effectively as possible. Therefore, more exceptions for law enforcement agencies are required to guarantee the safety of our people.

This includes:

* The ability to monitor the discourse and discussion taking place in the digital age and the powers to take the necessary action to protect the fundamental rights and values of our country
* Need for a ban on communication devices that law enforcement agencies cannot surveil
* Laws for “states of emergency” that gives the government power to shut down the internet
* Law enforcement needs a better way to access encrypted information and share data with other agencies in order to better facilitate and exchange of
* Digital surveillance without the knowledge of suspect

While the Charter offers a starting point for discussing the new challenges that will be faced in the digital age there should be a focus on the security of the country and its citizens. As our lives change with the digital age and technology becomes more advanced with unforeseeable and unpredictable consequences, governments need to be prepared to respond accordingly.