

Government Decree No 235/2019 of 15 October

Effective as of: 01 January 2021 -

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on the Implementation of the Act on the Responsibilities of the State Regarding the Development of the Tourist Regions

Pursuant to the authorisation granted by Section 10 *d)-i)* of Act CLVI of 2016 on the Responsibilities of the State Regarding the Development of the Tourist Regions,

pursuant to the authorisation granted in Section 143 (1) *h)* of Act CLXXXIX of 2011 on the Municipalities of Hungary with regard to Section 19 and Annex 3,

within its original legislative powers as defined in Article 15 (3) of the Fundamental Law with regard to Section 19 and Annex 4,

and acting within its sphere of duties set forth in Article 15 (1) of the Fundamental Law, the Government hereby decrees the following:

1. General provisions

Section 1 (1)¹ This Decree lays down the rules for the accommodation providers, catering establishment operators, and tourist attraction operators in Hungary to join the National Tourism Data Supply Centre, the operation of the National Tourism Data Supply Centre, the handling, processing and forwarding of incoming data, the legal relationship between the accommodation providers and the hosting service provider concerning data processing in the territory of Hungary, and the rules for operating the hosting facility.

(2) The Government appoints the Hungarian Tourism Agency Private Limited Company (hereinafter: operator) to be the operator of the National Tourism Data Supply Centre.

(3) The Government specifies the properties and assets, as well as the asset manager and the nature of asset management pursuant to Section 2 Point 5 of Act CLVI of 2016 on the Responsibilities of the State Regarding the Development of the Tourist Regions (hereinafter: Tourism Act) in accordance with Annex 1.

(4) The Government appoints the Hungarian Tourism Agency Private Limited Company as the hosting service provider in accordance with Section 9/H (3) of the Tourism Act (hereinafter: tourism hosting service provider).

(5) Within the scope of its duties as tourism hosting service provider (without knowing the content of the data stored in the hosting facility, by using the services of a data encryption procedure provider (key service provider) as designated by law in order to encrypt the data), the Hungarian Tourism Agency Private Limited Company performs the tasks specified in

Section 9/H (4) of the Tourism Act, furthermore, it provides authorised persons with access to the data, with the proviso that provision of the service level specified in Annex 1 of Government Decree No 467/2017 of 28 December on the operation of the government data supply centre (with the exact content specified in the Contract) is the job of the central service provider designated by law in connection with the relevant professional system.

(6) The hosting facility only accepts data packages where the data content to be protected has been encrypted by the sending party using the encryption key specified by law.

(7) The Government designates DATRAK Digitális Adattranzakciós Központ Korlátolt Felelősségű Társaság [DATRAK Digital Data Transaction Centre Limited Liability Company] as the key service provider to ensure provision of the data encryption procedure set out in paragraph (6).

2. Interpretative provisions

Section 2 For the purposes of this Decree:

1. *registration number*: a unique registration number created during registration of the accommodation provider or the catering establishment operator or tourist attraction operator obliged to report data, in order to keep records on the accommodation or the catering establishment or tourist attraction subject to data reporting;

1a. *register of dispositions*: a service in accordance with legislation on the general rules for electronic administration and confidential services;

2. *accommodation*: an accommodation establishment as defined in Section 2, points 22, 39 and 40 of Act CLXIV 2005 on Commerce (hereinafter: Commerce Act), as well as the accommodation provided as part of permanent accommodation services;

3. *accommodation service*: the service specified in Section 2, points 23 and 24 of the Commerce Act;

4. *accommodation provider*: an economic organisation (including companies, private persons with a tax number for the pursuit of their activity, and sole proprietors) providing services as defined in Section 2 points 23 and 24 of the Commerce Act;

5. *property management system*: an IT program which must be used by an accommodation provider, which includes a data submission module, is connected to an ID scanner, and is suitable for forwarding data to the National Tourism Data Supply Centre and the hosting facility, as well as software which complies with Section 9/I (2) of the Commerce Act;

6. *guest*: a natural person who actually uses an accommodation service and stays temporarily in an accommodation establishment, irrespective of who pays for the accommodation service;

7. *guest data*: personal data on the guest as specified in Section 9/H (1) of the Tourism Act and stored by the tourism hosting service provider as the accommodation provider's data processor;

8. *guest night*: a maximum of 24 hours spent by the guest, including the night or cleared as such in the accounts;

9. *ID scanner*: a device suitable for the mechanical reading of the data in the identity card according to Section 9/H (1) of the Tourism Act;

10. *encryption key*: a string of characters produced by the key provider that enables the expectations specified in Section 9/H (4) and (5) of the Tourism Act to be upheld, by means of asymmetric encryption and aliasing;

11. *hosting facility*: an IT system operated by the tourism hosting service provider for the purpose of performing the tasks specified in Section 9/H and Section 9/I of the Tourism Act.

12. *data submission module*: an IT program that functions as part of the property management system provided by the tourism hosting provider, that encrypts and forwards the data defined in Section 9/H (1) (a) and (b) of the Tourism Act to the hosting facility.

13. *ticket management software*: an IT program which must be used by the tourist attraction operator that is suitable for local or online ticket sales, ticket validation, and forwarding data to the National Tourism Data Supply Centre;

14. *tourist attraction subject to data reporting*: tourist attractions listed in Annex 3, where the tourist attraction operator provides the use of the attraction's services continuously, periodically, or on an ad hoc basis in return for tickets sold or issued;

15. *catering establishment subject to data reporting*: a catering establishment that is required to fulfil its obligation to provide a receipt with a cash register as specified by the decree on the technical requirements of cash registers, the sale, use and repair of cash registers used to issue receipts, and the forwarding of data recorded by a cash register to the tax authority;

16. *visitor*: a natural person who uses the services of a tourist attraction subject to data reporting with a ticket, pass or season ticket, regardless of the person who paid for the price of the service;

17. *catering management software*: the IT program which must be used by the operator of the catering establishment subject to data reporting which is suitable for forwarding data to the National Tourism Data Supply Centre.

3. Operation of the National Tourism Data Supply Centre

Section 3 (1) Retention and secure management of data received by the National Tourism Data Supply Centre, protection of non-public data, and fulfilment of obligations related to maintaining confidentiality must be guaranteed during operation.

(2) In order to constantly maintain the conditions for security-focused system operation, the operator shall

a) take immediate steps to repair operating faults which pose a security risk,

b) assess damages arising from operating faults, and

c) take steps to restore lawful conditions.

(3) The operator shall provide information in advance on the National Tourism Data Supply Centre's electronic interface, on the time needed for maintenance to be carried out on the National Tourism Data Supply Centre's operating functions, as well as possible operational malfunction during the maintenance. The operator shall keep an electronic log on these events including a description, the time and duration of the event and the measures taken.

Section 4 (1) The National Tourism Data Supply Centre's operator shall compile the General Terms and Conditions, which shall be made public on the National Tourism Data Supply Centre's electronic interface prior to operations being launched. The operator shall make the General Terms and Conditions continuously available during the time of operation of the National Tourism Data Supply Centre.

(2) Persons having the authorisations defined in the General Terms and Conditions may be users in the National Tourism Data Supply Centre.

4. Registration of the accommodation provider in the National Tourism Data Supply Centre

Section 5 (1) The accommodation provider must register on the electronic interface (hereinafter: electronic interface) operated for this purpose by the National Tourism Data Supply Centre's operator.

(2) As defined in paragraph (1), registration must be done, as well as amendment or deletion of data previously registered, by the following:

- a) the accommodation provider in person, if the accommodation provider is a natural person,
- b) a legal representative of the accommodation provider, or
- c) a person authorised by the accommodation provider in the register of dispositions.

(3) In the cases defined in paragraph (2) c), the accommodation provider shall notify the register of disposition of the person authorised.

(4) The natural person carrying out registration as defined in paragraph (1) is identified in accordance with the act on the general rules of electronic administration and confidential services, by means of the electronic identification service provided by the Government.

(5) In the registration procedure, the natural person carrying out registration enters the data of the accommodation provider as defined in Annex 2, which are reviewed by the National Tourism Data Supply Centre in records defined by the Tourism Act which are available electronically, before registration is finalised.

(6) Following successful identification, the natural person carrying out registration registers all the accommodation establishments operated by the accommodation provider by entering the data on the accommodation establishments, the services provided at these establishments and

the property management system used by the accommodation provider. If registration is successful, the National Tourism Data Supply Centre's operator will assign a registration number to the accommodation site.

(7) In the course of and subsequent to registration, the natural person carrying out registration is entitled to enter additional users for the given accommodation site on the National Tourism Data Supply Centre's electronic interface, in accordance with the General Terms and Conditions.

(8) The person referred to in paragraph (2) is entitled to modify the data entered in the course of registration concerning the accommodation provider, as well as the accommodation service. If the error cannot be corrected by modifying the data, the registration is deleted on agreement between the person referred to in paragraph (2) and the operator. In this case, the registration procedure must be repeated by the person referred to in paragraph (2).

(9) The National Tourism Data Supply Centre's operator will reject registration, if

- a) it is initiated by a person unauthorised to do so,
- b) the tax number of the accommodation provider wishing to register is the same as that of an accommodation provider already registered.

Section 6 (1) Changes to the data entered during the registration carried out by the natural person defined in Section 5 paragraph (2) must be forwarded to the National Tourism Data Supply Centre's electronic interface within 8 days of the change occurring.

(2) If the operator learns of changes in the data of the accommodation or the accommodation provider, as submitted to the National Tourism Data Supply Centre, based on an official data report or notification by the accommodation provider, it is entitled to modify the data on the National Tourism Data Supply Centre's online interface should the accommodation provider fail to make the changes within the deadline specified in paragraph (1).

(3) On logging into the National Tourism Data Supply Centre, the municipal clerk and the municipal official acting on his/her behalf (hereinafter: municipal user) may be identified and his/her authorisation may be verified through the municipal ASP system.

4/A. Registration of the catering establishment operator in the National Tourism Data Supply Centre

Section 6/A (1) The operator of a catering establishment subject to data reporting (hereinafter: catering establishment operator) is obliged to register on the electronic interface (hereinafter: electronic interface) operated for this purpose by the operator of the National Tourism Data Supply Centre.

(2) Registration defined in paragraph (1), as well as amendment and deletion of data previously registered, shall be performed by

- a) the catering establishment operator in person, if the catering establishment operator is a natural person,

b) a legal representative of the catering establishment operator, or

c) the person authorised by the catering establishment operator in the register of dispositions.

(3) In the case defined in paragraph (2) c), the catering establishment operator shall register the authorised person in the register of dispositions.

(4) The person performing the registration defined in paragraph (1) is identified in accordance with the act on the general rules of electronic administration and trust services, through the electronic identification service provided by the Government.

(5) In the registration procedure, the natural person performing the registration enters the data of the catering establishment operator as defined in Annex 2, which are reviewed by the National Tourism Data Supply Centre in the electronically available records defined by the Tourism Act prior to the finalisation of registration.

(6) After successful identification, the natural person performing the registration registers all of the catering establishments subject to data reporting that are operated by the catering establishment operator, entering the data pertaining to the services provided and the property management system used. If registration is successful, the operator of the National Tourism Data Supply Centre will provide a registration number related to the catering establishment subject to data reporting.

(7) During registration and subsequently, the natural person performing registration is entitled to enter additional users for the given catering establishment subject to data reporting on the electronic interface of the National Tourism Data Supply Centre, in accordance with the General Terms and Conditions.

(8) During registration, the person referred to in paragraph (2) is entitled to change the data concerning the operator of the catering establishment, as well as the catering establishment subject to data reporting. If the error cannot be corrected by modifying the data, the registration shall be cancelled by agreement between the operator and the person referred to in paragraph (2). In this case, the registration procedure shall be repeated by the person referred to in paragraph (2).

(9) The operator of the National Tourism Data Supply Centre rejects registration, if

a) it is not initiated by a person authorised to do so,

b) the tax number of the catering establishment operator intending to register is identical with the tax number of an operator already registered.

Section 6/B (1) Changes in the data entered during the registration performed by the natural person defined in Section 6 paragraph (2) shall be forwarded to the electronic interface of the National Tourism Data Supply Centre by the catering establishment operator, not later than 8 days following occurrence of the change.

(2) If the operator learns of changes to the data of the catering establishment or the catering establishment operator as submitted to the National Tourism Data Supply Centre, based on an official data report or the notification of the catering establishment operator, it is entitled to

modify the data on the National Tourism Data Supply Centre's online interface should the catering establishment operator fail to make the changes within the deadline specified in paragraph (1).

4/B. Registration of the tourist attraction operator in the National Tourism Data Supply Centre

Section 6/C (1) The operator of a tourist attraction subject to data reporting (hereinafter: tourist attraction operator) is obliged to register on the electronic interface (hereinafter: electronic interface) operated for this purpose by the operator of the National Tourism Data Supply Centre.

(2) Registration defined in paragraph (1), as well as amendment and deletion of data previously registered, shall be performed by

- a) the tourist attraction operator in person, if the tourist attraction operator is a natural person,
- b) a legal representative of the tourist attraction operator, or
- c) the person authorised by the tourist attraction operator in the register of dispositions.

(3) In the case defined in paragraph (2) c), the tourist attraction operator shall register the authorised person in the register of dispositions.

(4) The person performing the registration defined in paragraph (1) is identified in accordance with the act on the general rules of electronic administration and trust services, through the electronic identification service provided by the Government.

(5) In the registration procedure, the natural person performing the registration enters the data of the tourist attraction operator as defined in Annex 2, which are reviewed by the National Tourism Data Supply Centre in the electronically available records defined by the Tourism Act prior to the finalisation of registration.

(6) After successful identification, the natural person performing the registration registers all of the tourist attractions subject to data reporting that are operated by the tourist attraction operator, entering the data pertaining to the services provided and the ticket management system it uses. If registration is successful, the operator of the National Tourism Data Supply Centre will provide a registration number related to the tourist attraction subject to data reporting.

(7) During registration and subsequently, the natural person performing registration is entitled to enter additional users for the given tourist attraction subject to data reporting on the electronic interface of the National Tourism Data Supply Centre, in accordance with the General Terms and Conditions.

(8) During registration, the person referred to in paragraph (2) is entitled to change the data entered in connection with the operator of the tourist attraction, as well as the tourist attraction subject to data reporting. If the error cannot be corrected by modifying the data, the registration shall be cancelled by agreement between the operator and the person referred to in paragraph (2). In this case, the registration procedure shall be repeated by the person referred to in paragraph (2).

(9) The operator of the National Tourism Data Supply Centre rejects registration, if

a) it is not initiated by a person authorised to do so,

b) the tax number of the tourist attraction operator intending to register is identical with the tax number of an operator already registered.

Section 6/D (1) Changes in the data entered during the registration performed by the natural person defined in Section 6 paragraph (2) shall be forwarded to the electronic interface of the National Tourism Data Supply Centre by the tourist attraction operator, not later than 8 days following occurrence of the change.

(2) If the operator learns of changes to the data of the tourist attraction or the tourist attraction operator as submitted to the National Tourism Data Supply Centre based on an official data report or the notification of the tourist attraction operator, it is entitled to modify the data on the National Tourism Data Supply Centre's online interface, should the tourist attraction operator fail to make the changes within the deadline specified in paragraph (1).

5. Procedure for accommodation providers to send data to the National Tourism Data Supply Centre

Section 7 (1) Following registration on the electronic interface, the accommodation provider shall ensure that data on each accommodation establishment subject to data supply is forwarded electronically using the property management system.

(2) Following registration of the accommodation provider and before the first data submission, the accommodation provider shall configure the property management system in accordance with the information published on the electronic interface, in order to establish a secure network communications link between the property management system and the National Tourism Data Supply Centre.

(3) In order to guarantee the configuration defined in paragraph (2), the property management system manufacturer may conclude a cooperation agreement with the operator in order to monitor the proper operation of the property management system module's parameters as described in paragraph (5).

(4) The operator shall issue a certificate verifying that the module developed by the property management system manufacturer complies with specified technical requirements. In possession of this verification, the property management system manufacturer is entitled to display this property management system on its website as software suitable for connection to the National Tourism Data Supply Centre. Regarding the module, the certificate verifies compliance with the requirements valid on the date it was issued.

(5) Technical and authentication parameters of the modules suitable for a network communications link between the property management system and the National Tourism Data Supply Centre and a list of the software suitable for connecting to the National Tourism Data Supply Centre are published by the operator on the electronic interface.

(6) The property management system maintains automatic network communication with the National Tourism Data Supply Centre via the secure communications channel defined in paragraph (2).

(7) Via the network communications defined in paragraph (5), the property management system automatically submits

a) within the scope of daily data provision for the current day, statistical data which do not include personal data on the guests, within 24 hours following the day in question;

b) on the 5th day of the month following the month in question, the data relevant to monthly statistical data submission, that do not include personal data on guests;

c) following the recording of guest data in the property management system, event-driven data of a statistical nature which do not include guests' personal data.

(8) Data subject to data supply as defined in paragraph (7) shall be published by the operator on the electronic interface in a bulletin including technical and authentication conditions.

(9) The daily and monthly data provision for the day of registration and the period following successful registration is fulfilled simultaneously with the first data supply following registration.

(10) If data submission is unsuccessful due to a malfunction or outage, the data must be submitted on the day after the malfunction or outage is eliminated.

(11) If the accommodation provider fails to submit daily data despite being repeatedly called on to do so by the operator, the operator will initiate an official inspection of the accommodation provider with the municipal clerk in charge of supervising the accommodation provider.

(12) The operator may send notifications to the accommodation provider in connection with the operation of the National Tourism Data Supply Centre and the professional tasks related to tourism.

Section 8 The accommodation provider and the user specified in Section 5 (7) may view and retrieve the traffic data and other reports pertaining to traffic data based on regional data analyses on the activity of the given accommodation site via the electronic interface, as well as the data necessary for submitting a tourist tax return (which do not include personal data and which may be used to prepare a draft tourist tax return).

5/A. Procedure for catering establishment operators to send data to the National Tourism Data Supply Centre

Section 8/A (1) Following registration on the electronic interface, the catering establishment operator shall ensure that data on each catering establishment subject to data supply are forwarded electronically using the property management system.

(2) Following registration of the catering establishment operator and before the first data submission, the catering establishment operator shall configure the catering management software in accordance with the information published on the electronic interface in order to

establish a safe network communications link between the catering management software and the National Tourism Data Supply Centre.

(3) The operator shall issue a certificate of compliance with the specific technical requirements of the module developed by the catering management software manufacturer. In possession of this certificate, the manufacturer of the catering management software is entitled to display this catering management software on its website as software suitable for connection with the National Tourism Data Supply Centre. With regard to the module, the certificate verifies compliance with the requirements valid on the date it was issued.

(4) Technical and verification parameters in respect of the modules suitable for network communication connection between the catering management software and the National Tourism Data Supply Centre and a list of the software suitable for connecting to the National Tourism Data Supply Centre are published by the operator on the electronic interface.

(5) The catering management software and the National Tourism Data Supply Centre maintain automatic network communication through the secure communications channel defined in paragraph (2).

(6) On at least one occasion within 24 hours following the target day, using the network communication specified in paragraph (4), the catering management software shall automatically submit the traffic data subject to daily reporting and pertaining to the target day, do not contain any personal data.

(7) Data subject to data submission as defined in paragraph (6) shall be published by the operator on the electronic interface in the information on technical and verification conditions.

(8) The daily data are sent for the day of registration and the period following registration at the same time as the first data provision following registration.

(9) If data submission is unsuccessful due to an operation failure or outage, the data shall be submitted on the day following the day when the operation failure or operation outage is eliminated.

(10) The operator may send notifications to the catering establishment operator in connection with the operation of the National Tourism Data Supply Centre and the professional tasks related to tourism and catering.

(11) If the catering establishment operator fails to submit daily data despite being repeatedly called upon to do so by the operator, the operator will initiate an official inspection of the catering establishment operator with the municipal clerk in charge of supervising the catering establishment operator.

Section 8/B The catering establishment operator and the user specified in Section 6/A (7) may view and download the reports on the data pertaining to the given catering establishment and other traffic data based on regional data analyses using the online interface.

5/B. Procedure for tourist attraction operators to send data to the National Tourism Data Supply Centre

Section 8/C (1) Following registration on the electronic interface, the tourist attraction operator shall ensure that data on each tourist attraction subject to data submission is forwarded electronically using the property management system.

(2) Following registration of the tourist attraction operator and before the first data submission, the tourist attraction operator shall configure the ticket management software in accordance with the information published on the electronic interface in order to establish a safe network communication link between the ticket management software and the National Tourism Data Supply Centre.

(3) The operator shall issue a certificate of compliance with the specific technical requirements of the module developed by the ticket management software manufacturer. In possession of this certificate, the manufacturer of the ticket management software is entitled to display this ticket management software on its website as software suitable for connection with the National Tourism Data Supply Centre. With regard to the module, the certificate verifies compliance with the requirements valid on the date the certificate was issued.

(4) Technical and verification parameters in respect of the modules suitable for network communication connection between the ticket management software and the National Tourism Data Supply Centre and a list of the software suitable for connecting to the National Tourism Data Supply Centre are published by the operator on the electronic interface.

(5) The ticket management software and the National Tourism Data Supply Centre maintain automatic network communication through the secure communication channel defined in paragraph (2).

(6) On at least one occasion within 24 hours following the target day, using the network communication specified in paragraph (4), the ticket management software shall automatically submit the traffic data pertaining to the guest on the target day and subject to daily reporting, that do not contain any personal data.

(7) Data subject to data submission as defined in paragraph (6) shall be published by the operator on the electronic interface in the information including technical and verification conditions.

(8) The daily data are sent for the day of registration and the period following registration at the same time as the first data provision following registration.

(9) If data submission is unsuccessful due to an operation failure or outage, the data shall be submitted on the day following the day when the operation failure or operation outage is eliminated.

(10) The operator may send notifications to the tourist attraction operator in connection with the operation of the National Tourism Data Supply Centre and the professional tasks related to tourism.

Section 8/D The tourist attraction operator and the user specified in Section 6/A (7) may view and download the reports on the data pertaining to the given tourist attraction and other traffic data based on regional data analyses using the online interface.

6. Termination of registration with the National Tourism Data Supply Centre

Section 9 (1) The National Tourism Data Supply Centre's operator shall terminate registration of the accommodation, the catering establishment or the tourist attraction subject to data reporting if the accommodation provider, the catering establishment operator or the tourist attraction operator is not entitled to pursue the activity, if the accommodation provider, the catering establishment operator or the tourist attraction operator has closed down, or if the activity connected to the accommodation provider, the commercial activity connected to the catering establishment, or the activity connected to tourist attraction subject to data reporting has been discontinued.

(2) In the case described in paragraph (1), the National Tourism Data Supply Centre's operator is entitled to manage the accommodation provider's data as stipulated in Section 5 (5), the catering establishment operator's data as stipulated in Section 6/A (5), or the tourist attraction operator's data as stipulated in Section 6/B (5) for a period of 10 years from the date indicated in paragraph (1).

7. The relationship of the National Tourism Data Supply Centre with organisations performing state duties

Section 10 (1) Following identification, a municipal user is entitled to access the National Tourism Data Supply Centre's electronic interface in connection with data reporting pertaining to accommodation services or catering.

(2) The municipal user is entitled to view and verify the registered data from the accommodation providers and catering establishment operators operating in their area of competence, as well as to retrieve and view the data received from them which are needed for verification of the guest nights and tourist tax, as well as the statements prepared from these data.

Section 11 Based on the Tourism Act, the Central Statistical Office and the National Tourism Data Supply Centre conclude a cooperation agreement on data supply, in which cooperation agreement parties specify the content and technical requirements of data supply.

Section 12 Based on a cooperation agreement concluded with the National Tax and Customs Administration, the operator forwards the data received from the accommodation provider, catering establishment operator and tourist attraction operator that are subject to the scope of this Decree to the National Tax and Customs Administration via the National Tourism Data Supply Centre.

Section 13 The HTA is entitled to use the data received from the accommodation providers, catering establishment operators and tourist attraction operators in research and development work in order to promote tourism development and to prepare technical summaries, position reports, assessments and forecasts from the available data, and to publish these in a form not suitable for identification.

8. Data processing tasks related to the tourist hosting service

Section 14 (1) The tourist hosting service provider, as data processor for the accommodation provider:

a) handles the guest data based solely on the accommodation provider's instructions, in connection with which, only operations in accordance with the Tourism Act and with this Section may be performed,

b) shall ensure that employees performing work related to the tourism hosting service provider's role are bound by a confidentiality obligation with regard to guest data,

c) shall take appropriate technical and organisational measures for taking into consideration the state of science and technology and the costs of implementation, as well as the nature, scope, circumstances and purposes of data processing and the varying probability and severity of the risk to the rights and freedoms of natural persons, thus guaranteeing an adequate level of data security through encryption and ensuring that the tourism hosting service provider or its employee has no access to the guest data,

d) may not employ any additional data processor without prior specific ad hoc or general authorisation by the accommodation provider.

e) taking into account the nature of data management, by taking the necessary technical and organisational measures, it shall assist the accommodation provider as far as possible in fulfilling its obligations in relation to exercising the data subject's rights,

f) taking into account the nature of data management and the information available to the data processor, it shall assist the accommodation provider in fulfilling its obligations regarding the security of data processing and the handling of possible incidents,

g) on termination of the legal relationship regarding data processing, it shall act in accordance with the accommodation provider's instructions in respect of the guest data and copies thereof, unless required by law or a binding legal act of the European Union to continue to store the guest data,

h) it shall provide the accommodation provider with all information necessary to verify the fulfilment of the obligations set out in the legal relationship regarding data processing, as well as that which enables and facilitates inspections carried out by the accommodation provider or a person authorised by him, including on-site inspections,

i) it shall inform the accommodation provider without delay if it considers that any of his instructions infringe the provisions on the protection of personal data.

(2) The IT system operated by the tourism hosting service provider stores the guest data in encrypted form.

8/A. Hosting facility operation

Section 14/A (1) In the course of operation, tourism hosting service provider shall ensure the retention and secure management of data entered into the hosting facility, the protection of non-public data, and the fulfilment of obligations related to confidentiality.

(2) In order to provide continuous security-focused system-operating conditions, the tourism hosting service provider shall

- a) ensure the immediate correction of operational faults that pose a security risk,
- b) assess damage arising from operational defects, and
- c) take steps to restore lawful conditions.

(3) The tourism hosting service provider shall inform the police in advance about the time needed for normal maintenance to be carried out on the hosting facility and about any malfunctions during the maintenance period. The operator shall keep an electronic log on these events including the description, the time, the duration of the event and the measures taken.

8/B. Identification of the accommodation provider

Section 14/B (1) The tourism hosting service provider will be given the data necessary for identification of the accommodation provider, the accommodation establishment and the accommodation bed data by the National Tourism Data Supply Centre.

(2) The tourism hosting service provider will publish any additional technical information required for identification on its electronic interface.

8/C. Procedure for providing data to the hosting service provider

Section 14/C (1) The accommodation service provider shall forward the data specified in Section 9/H (1) of the Tourism Act for each accommodation establishment to the hosting facility encrypted and in electronic form, using the property management system and the data submission module.

(2) The accommodation provider shall record the data referred to in Section 9/H (1) (a) and (b) of the Tourism Act in the property management system using the ID scanner. The accommodation provider shall record any data that cannot be recorded using the ID scanner in the property management system manually.

(3) Before submitting data for the first time, the accommodation provider shall configure the property management system in accordance with the information published on the tourism hosting service provider's electronic interface in order to establish a secure network communications link between the property management system and the hosting facility.

(4) The tourism hosting service provider will issue a certificate on the correct operation of the property management system. In possession of this certificate, the manufacturer of the property management software shall be entitled to display the property management software on his website as being suitable for connecting to the hosting facility. The certificate shall verify compliance with the requirements valid on the date the certificate is issued. The tourism hosting service provider will publish a list of certified property management systems on its electronic surface.

(5) The property management system shall maintain automatic network communication with the hosting facility via the secure communications channel defined in paragraph (3).

(6) The tourism hosting service provider shall publish the implementation parameters of the data submission module on the electronic interface.

(7) If the data supply is unsuccessful due to a malfunction or downtime, the data must be forwarded immediately after the malfunction or downtime has been eliminated.

(8) The tourism hosting provider provides the data submission module free of charge to developers of the property management system.

(9) If the ID scanner records image data as well as the data on the document which are suitable for establishing identity, after recording the data referred to in paragraph (2) in the property management system, the property management system shall promptly delete the image data.

(10) If the accommodation provider does not fulfil its obligation to connect to the hosting facility, the tourism hosting service provider will inform the municipal clerk of the violation of the legislative provisions pertaining to the accommodation.

8/D. The relationship of the hosting facility with organisations performing state duties

Section 14/D With regard to the data managed by the hosting service provider, interoperability and connectivity must be guaranteed between the various databases and systems in full compliance with the legal provisions on the protection of personal data.

9. Closing Provisions

Section 15 (1) With the exceptions specified in paragraphs (2)-(5), this Decree enters into force on the third day following its promulgation.

(2) Section 6 (3), Section 18 and Annex 3 shall enter into force on 1 December 2019.

(3) Section 6 (2), Section 8 and Section 10 shall enter into force on 1 January 2020.

(4) Section 19 and Annex 4 shall enter into force on 1 September 2020.

(5) Section 1 (4) and (5), Section 2 point 7 and subheading 8 shall enter into force on 1 January 2021.

Section 16 (1) Accommodation providers who reported their accommodation activity before 1 December 2019 in accordance with Section 4 (3)-(6a) of Government Decree No 239/2009 of 20 October on the detailed conditions applicable to the pursuit of accommodation activities, and who have an operating licence, shall register between 1 December 2019 and 31 December 2019 in accordance with Section 5 of this Decree. Data shall be submitted daily and monthly from 1 January 2020, with the proviso that the first day for data submission is 1 January 2020, and monthly data shall be submitted for first time following 1 January 2020.

Section 17 (1) This Decree is intended to comply with Directive No 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

(2) This Decree was announced in advance in accordance with Article 15 (7) of Directive No 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

Section 18

Section 19

Section 20

Annex 1 to Government Decree No 235/2019 of 15 October [HYPERLINK](#)

"http://njt.hu/cgi_bin/njt_doc.cgi?docid=216182.387910" \l "foot24" ²⁴

Other state-owned properties and assets of special tourist significance

	A	B	C	D	E	F	G
1.	Name of the property	Topographical lot number of the property	Floorspace of the property	Location of the property	Any associated assets	Asset manager	Nature of the asset management
2.	Bálna Budapest Trade and Cultural Centre	Budapest 9th district, municipal area 37061/7	12,975 m ²	1093 Budapest, Fővám tér 11–12. / 1093 Budapest, Közraktár utca 1.	Yes	HTA	investor and maintainer
3.	Vitnyéd-Csermajor and surroundings	Hövej periphery 0124/5 Vitnyéd periphery 0322/2, 0325/1 c, f, h, k parts, 0325/9, 0327/2, 0330, 0332, 0336, 0337, 0338, 0340, 0341, 0342, 0343, 0344, 0345, 0346, 0347, 0350, 0353, 0354/2	17.4187 ha, 6.4307 ha. 0.8074 ha. 0.2032 ha. 55.6249 ha. 0.5632 ha. 0.0960 ha. 8.5996 ha. 0.4377 ha. 8.1105 ha. 0.5359 ha. 2.4997 ha. 7.5458 ha. 0.6666 ha. 21.4155 ha. 1.0923 ha. 0.3122 ha. 24.3077 ha. 1.1686 ha. 0.1563 ha. 0.0604 ha		Yes	Eszterháza Kulturális, Kutató- és Fesztiválpont Közhasznú Nonprofit Korlátolt Felelősségű Társaság [Eszterháza Cultural, Research, and Festival Centre Non-profit Limited Liability Company]	maintainer
4.	Budaörs Airport	Budapest, XI. Budapest 1236/20	83 ha 1887 m ²	Budapest, District XI., Kőérberki út	Yes	HTA	investor and maintainer

Annex 2 to Government Decree No 235/2019 of 15 October

When registering with the National Tourism Data Supply Centre, the accommodation provider, catering establishment operator or tourist attraction operator shall enter the following data:

- a) name,
- b) tax number,
- c) statistical code,
- d) main statistical activity,
- e) registered address,
- f) mailing address,

g) telephone number,

h) electronic mailing address,

i) starting date of the accommodation service, catering establishment or tourist attraction activity,

j) in case of catering establishments, the type of catering establishment according to the government decree on the conditions for pursuing commercial activities

Annex 3 to Government Decree No 235/2019 of 15 October

Tourist attractions subject to data reporting

I. public baths that meet at least one of the following conditions:

a) qualify as public baths as specified under Section 1 (2) of Government Decree 121/1996 of 24 July on the establishment and operation of public baths,

b) offer at least one of the following services to visitors:

1. TEÁOR '0893 29 – Other entertainment and leisure activities n.e.c. (of which: ÖVTJ 932903 Pool services),

2. TEÁOR '08 96.04 Physical well-being activities (of which: ÖVTJ 960403 Baths services, the activities of Turkish baths, saunas, steam rooms and spas),

II. natural bathing locations that meet at least one of the following conditions:

a) qualify as natural bathing locations according to Section 2 (b) of Government Decree 78/2008 of 3 April on the quality requirements of natural bathing waters and the designation and operation of natural bathing locations,

b) TEÁOR '08 93.29 – Other entertainment and leisure activities n.e.c. offered to visitors (of which: ÖVTJ 932903 Pool services),

III. museum-type institutions, castles and manor houses that meet at least one of the following conditions:

a) has an operating licence defined in Section 39 of Act CXL of 1997 on Museum Institutions, Public Library Services and Public Education,

b) offers TEÁOR '08 91.02 domestic museum services to visitors,

IV. the following means of transport for the tourist transport infrastructure:

a) passenger transport services on inland waterways that meet at least one of the following conditions:

1. the passenger transport service is provided by a Balatoni Hajózási Zrt. route,

2. the passenger transport service is provided by a M A H A R T – PassNave Személyhajózási Korlátolt Felelősségű Társaság route,

b) TEÁOR '08 49.39 Other land passenger transport n.e.c., specifically the “hop on hop off” type scheduled city sightseeing bus service,

V. adventure park that offers to visitors

b) TEÁOR '08 93.29 – Other entertainment and leisure activities n.e.c.,

b) TEÁOR '08 93.11 Sports facilities

c) TEÁOR '08 93.21 – Amusement park and theme park activities,

VI. zoos that meet at least one of the following conditions:

a) qualifies as a zoo according to Section 3 point 3 of Act XXVIII of 1998 on Animal Protection and Welfare,

b) offers visitors TEÁOR '08 91.04 domestic botanical and zoological garden services and nature reserve services,

VII. amusement parks that offer visitors TEÁOR '08 93.21 – domestic amusement park activities and theme park services,

VIII. the exhibition sites of protected nature areas that meet at least one of the following conditions:

a) qualifies as a protected nature area exhibition site according to Section 28 of Act LIII of 1996 on Nature Protection,

b) offers visitors TEÁOR '08 91.04 domestic botanical and zoological garden services and nature reserve services,

IX. Musical events or dances in accordance with Government Decree 23/2011 of 8 March on increasing the safety of musical events and dances.

Annex 4 to Government Decree No 235/2019 of 15 October
