

The GVH strongly intervenes on behalf of protected witnesses

In its final order imposing a procedural fine, the Hungarian Competition Authority (Gazdasági Versenyhivatal, hereinafter GVH) made it explicitly clear that it strongly supports the institution of protected witness, which facilitates the uncovering of facts and thereby serves the public interest.

By its final decision in a recently closed competition supervision procedure, the GVH imposed a procedural fine on a legal representative who summoned a protected witness at a public hearing of a case and disclosed the name of the witness in documents that the legal representative considered non-confidential. As a result of this conduct of the legal representative, the personally identifiable data of the protected witness was made available to the public.

If a witness can demonstrate that his/her contribution to a procedure is likely to expose him/her to serious adverse consequences, the witness may reasonably request that his/her personally identifiable data are handled in a confidential manner. The view of the GVH, which has been affirmed by the final decision of the court, made it explicitly clear that the conduct of an individual must not reveal the identity of a protected witness, as to do so would jeopardise the public interest related to witness proceedings.

Consequently, a protected witness requesting the confidential handling of his/her personally identifiable data, is subject to special protection in the course of competition supervision proceedings. In such a case, the GVH handles the data of the protected witness separately from the rest of the documents relating to the proceeding; at the same time it orders that these data must not be disclosed to individuals except the case handler dealing with the case, the acting public service officer, the appropriate member of the proceeding Competition Council, the President and Vice President of the GVH, and other persons entitled to handle or know these data in a manner and scope defined by law. In order to grant the right of access to documents to customers, the GVH makes an extract about the report on the hearing of the protected witness in a manner that does not disclose the witness' identity.

The GVH will continue to strongly intervene on behalf of protected witnesses in order to ensure that such witnesses can continue to make statements without the fear of being publicly identified.

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