



20.4.2023

MISSION REPORT

following the mission to Hungary – 20 and 21 February 2023

Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware

Members of the mission:

Jeroen Lenaers	(PPE) (Chair - Leader of the mission)
Sophia in 't Veld	(Renew) (Rapporteur)
Juan Ignacio Zoido Álvarez	(PPE)
Sándor Rónai	(S&D)
Róza Thun und Hohenstein	(Renew)
Łukasz Kohut	(S&D)
Gwendoline Delbos-Corfield	(Verts/ALE)
Dominik Tarczyński	(ECR)
Gilles Lebreton	(ID)

Introduction

The PEGA Committee delegation in Budapest was composed by nine Members from five Member States and six political groups.

This fact-finding mission, like previous visits to Israel, Poland, Greece and Cyprus, was essential as the PEGA Committee is gathering elements to formulate recommendations for what Member States and the EU should do next to protect people's rights to privacy and private communications, along with other fundamental rights.

The PEGA delegation discussed spyware use with Mr Zoltan Sas, Chairman, and Mr Istvan Simicko, (former Minister) Member of the Parliamentary Committee on National Security, and Mr Attila Peterfalvi, President of the National Authority for Data Protection and Freedom of Information.

They also met with journalists Zoltan Varga, owner of CentralMedia Group, and Szabolcs Panyi, and Human Rights activists : Balazs Toth and Andras Lederer from the Hungarian Helsinki Committee, Ms Dalma Dojcsak, Tivadar Huttl, Adam Rempert from the Hungarian Civil Liberties Union, and Mr Aron Demeter from Amnesty International Hungary.

These discussions gave the opportunity to PEGA Members to better understand what is the current situation regarding the use of spyware in Hungary, and to measure the central place of the undefined notion of national security.

Summary account of meetings

I. Meetings of Monday 20 february 2023

16:30 - 17:30 : Meeting with Mr **Zoltan Sas**, Chair of the Committee on National Security, and Mr **Istvan Simicko** (former Minister of Defence), member of the committee.

Zoltan Sas welcomes the delegation on behalf of the Hungarian parliament, and introduces Mr Simicko, MP, former Minister of Defence and former Chair of this committee and member as well.

Zoltan Sas gives a summary of the rules based on which the committee is working. He underlines that the committee has six members, four government members and two opposition members, according to the proportion of political representation in the House. The chair is always an opposition member. The Law defining the operations of this Committee on National Security dates from 1995 and the committee strictly follows the rules laid out by this law.

Now the meetings are behind closed doors. The information discussed is not public. Usually

they are confidential information, classified information, and they can't be known by anybody. But regardless of this, the speakers today will be striving at giving you as much information as possible.

The committee can conduct inquiries or ask for inquiries or measures from the minister that is responsible for national security services, and on what subjects or in what situations that is laid out by the law.

Zoltan Sas also wants to highlight a couple of issues with which the committee worked on. The first is the information : there are ministers responsible for national security who inform the committee minimum once a year, but usually that's more than once a year on the works of the national security services. There are also activity reports that the committee discusses.

The committee discuss the national security situation of the country, the operation of national security services, and uses its competencies regularly and ask for information on the operation of national security services, and the procedure that was used to issue permits for surveillance. The committee has also a competence to conduct inquiries: if there are complaints, if a complainant does not accept the answer, the committee can conduct an inquiry. "We did receive in this parliamentary term several complaints that concern national security surveillance. We discussed these complaints in closed behind closed doors meetings, and we asked for information from ministers services. And then we informed the complainants in writing" he said.

If the committee suppose that the National Security Services breached rule or legislation, then the file can turn to the Minister concerned, and the committee can call on the Minister to take measures in such a situation and/or also we can call to conduct a special inquiry.

Last but not least, Zoltan Sas confirms that fact-findings is also one of the committee's competencies, which uses these methods based on past experience. In previous parliamentary term, this committee conducted fact-finding inquiries on several occasions.

"The law states that if somebody blocks the operations of the National Security Committee, that in itself is in the breach of law". So now the committee can listen to National surveillance employees or National Surveillance Services, and have the right to look into documents. The committee can also help complainants when they do not accept the answer to their complaint.

Zoltan Sas reminds that he is the chair of this committee, an opposition member, as it has to be : the Chair of this committee is always an opposition member. The committee takes its decisions on a majority basis just like any other committee. And since there is a majority of government parties in the Parliament, it is the governing parties who can take such decisions. Of course, opposition members do explain their opinions and arguments, but it remains in the majority's hands.

Jeroen Lenaers thanks the Chair for taking time to meet with and hosting the delegation in such a beautiful room. He says PEGA is also a committee of inquiry into the abuse of spywares in the whole European Union, and not specifically focused on Hungary, mentioning the other delegations to Poland, Greece, Cyprus, and Spain at a later stage, and hearings on Germany and many other countries.

PEGA Members is really trying to look at the issue of using spyware against journalists, politicians, lawyers, prosecutors, and are therefore very happy to be able to exchange views today, because the use of Pegasus in Hungary has also been widely documented. Jeroen Lenaers says he's interested to know how this committee plays a role in the approval of the purchase of such systems of spyware.

Sophia in't Veld also thanks for the opportunity to have this exchange.

Just a few brief questions :

- first of all, about the way the committee operates, how does that work in practice? Is it actually possible, regarding its composition, even if you have the chair, to work as a body, to work together or is it completely divided ?
- Secondly, you have looked into the matter of spyware, but I understand that everything you do is confidential and the minutes cannot be disclosed until 2050. But would you have the power to decide to declassify those documents ?
- The first revelations were about Pegasus. But we hear that in the meantime, the Hungarian authorities are also using Candiru and not just Pegasus. Can you confirm ?
- To the matter of the justification for the use of spyware, I understand that in nearly all cases, the justification was national security. If you look at the persons who were targeted, it's a bit difficult to understand. And one in particular that we heard last week, Mr. X was a dual Canadian Belgian citizen. I understand that initially charges had been brought against him, but they had been dropped afterwards. So if the charges were dropped, then how could he have been a threat to national security and why was he targeted with which spyware ?
- Final question : how do you feel about the acquisition by the government or the government getting a majority share in a major national telecoms provider ?

Zoltan Sas : the purchase of such technologies for understandable reasons is classified information so that no enemy nations can know what technologies we have. And the National Security Committee approves this. Yes, this means that providers or services come to us, they tell us what technology they would like to buy. We get the information, and then we take a decision.

Istvan Simicko We never discussed in National Security Committee meetings concrete brand names. We only speak about how national security services can carry out their tasks. They do not tell us which brand exactly they would buy. They say, yes, we would need this or we would need more human resources or we would need infrastructure development, etc... And then the committee takes its decision
Ever since I've been chair of this committee, I proposed and the committee accepted that the

committee has the possibility to see what software exactly is being built.

Zoltan Sas : In practical terms, every three or six months we receive a written report from the National Security Services on their activities. We also have an opportunity to do on site visits. And we also have a chance when there are two of us, two members, to initiate an inquiry. But the decision on whether or not we do an inquiry is a majority based decision. So all decisions take place like that.

Istvan Simicko : In many cases the decisions that we take are unanimous. When we take care of complaints, for instance, we usually adopt unanimous decisions. I used to be chair of this committee between 2002 and 2006, and it also only happened once and that (when proceeding to the hearing of the new general director of the National Security Services) we didn't get a majority approval. He was later on appointed.

Zoltan Sas : Some of the decisions are taken on the basis of unanimity and some of them aren't. Now, according to the legislation in force, when it comes to declassification, only the person who classified the documents can proceed to their declassification. So in these cases, we wouldn't be able to do so. It's only the owner of the secret, so to say, who can declassified the documents.

About specific persons now, because of the classified pieces of information, I cannot tell you who was the specific target of information gathering. I don't have the right to disclose that. Now when it comes to Vodafone, the telecom provider, we shouldn't confuse the State and the government. Of course, Fidesz is the ruling party in the national government. But the telecom company has been purchased by the Hungarian state. We can have a different approach to the concept of State. We believe in strong states that should be powerful and have a lot of assets, and that's why the company was purchased. I don't think that is a threat, a national security threat. It's much better than as if it was a Russian company. You have to know that Russian actors try to buy the Hungarian petrol company. I'm always pleased to see that the participation of the Hungarian state is strong in strategic fields in the economy.

And now when it comes to the tools that the national security services use, we can't disclose specific information because that's again classified info. But as in any other member state in the European Union, the Hungarian services are also doing their best to have the most performance tools available.

Juan Ignacio Zoïdo : Firstly, I would like to thank you for welcoming us here immediately, and I would like to put some questions to you in order to clarify certain issues, which I consider important.

- Firstly, how do you assess cooperation with the special services ?
- You said that say not sharing information with your committee infringes the law. Are you satisfied with the way in which the services share information ?
- Citizens complaints in the parliament are related to surveillance and they are receiving responses. Can they be certain that their rights are protected by the Parliament?

- Finally, I would like to ask you, what are the guarantees for the use of the software to protect citizens against abuse? Has any kind of recommendation been made by the committee to minimize the risk to democracy, the rule of law and privacy resulting from intrusion and privacy linked to spyware?

Zoltan Sas : The National Security Committee and the National Security Services do cooperate. It's an organic working relationship. That's the only possible concept of working together for us.

During the previous eleven years, I was an opposition member in this committee and I've been the Chairperson for a year. Until now I have never seen any instance when the services didn't answer questions from members of Parliament, of course. National Security Committee also has the power to conduct inquiries and it does use that power. Now, when it comes to the complaints from citizens and whether we can be assured that there are no abuses, this committee has proceeded to many hearings. In the autumn of 2021, we asked for information from the minister, from the state secretary and the general directors of services and also the state secretary of the Ministry of Justice.

We also had a meeting on the premises of the specialized services, and they asked on the topic of information gathering, secret information gathering. I can't disclose the particular details. The president of the Data Protection Agency was also attending that meeting. Now, every six months we receive very detailed reports from each and every national security service on their activities.

Now, when I took over the Chairmanship in the spring of 2022, we had received several complaints about unlawful activities on the part of national security services. The two opposition members in the committee have conducted an inquiry, it took several months. There were a lot of political and professional controversies during the inquiry, the heads of the services did take part and we did receive full information. Now, our conclusion was that the legislation in force was respected by the national security Services.

But then US Opposition MPs suggested that we would like to carry out a fact finding inquiry as well so that we can speak to the agents and the services who took part in these activities. Then we were defeated by the majority within the committee and that inquiry did not take place. It would have been important because that would have allowed us to see if anything going beyond national security interests has taken place and if there was any instance of undemocratic intrusion into the private life of people.

I think it's also important to stress that in my opinion, and of course, international and EU examples also confirm it, it would have been the simplest to solve these controversies in the following way in the future. An independent judge who enjoys public trust could authorize these acts and it would solve many controversies and problems. So instead of the minister, it should be a judge signing the authorization just as the case.

Istvan Simicko : In each and every country, there are national security services operating. Every single country needs information from abroad and from inside the country. And we experience a tremendous amount of info circulating on the Internet and it creates a lot of confusion. Multinational companies also misuse intelligence units. So it's no wonder country

uses national security services to make sure the country can remain competitive and democratic in a modern world. Intelligence software and spy software is an interesting topic. Everybody uses them. If somebody says they don't, they are lying. Now, another issue is for what purposes they use them. The mandate that legislative power these services have is for the prevention of terrorism and criminal activity. So that's the purpose. They are allowed to use that kind of tool for.

I used to be a member of government. I was minister of Defence from 2015 to 2018. And I can tell you very honestly that never ever at a government meeting the type of spyware to be used was an issue. So we, of course, respect the intentions of the European Parliament, but the first time I heard the name of the spyware and the Israeli spyware you have mentioned was when the leak appeared in the media. So we never ever had discussed that officially, formally, at the government meetings. Of course, it's a sovereign decision of every single country, whether they want to use it or not. But on the basis of the inquiry that the committee here has carried out, we have not seen any unlawful use of those kinds of spyware.

By the way, the people who work in this national Security committee are driven by the same purpose that of guaranteeing the national security of the country. I'm interested, just like all my colleagues in defence and security. And I would be also outraged had I seen any case of unlawful use. And I'm convinced that our national security services abide by the law and respect every single piece of legislation.

Sandor Ronai : Thank you for receiving us. You just said that every single country and State had to use spyware, surveillance, spyware with the purpose of making sure the country is safe. Now, our committee, the Pegasus Committee of the European Parliament, was set up because what happened in Hungary is an extraordinary case. It's not just an average surveillance activity that has drawn our attention to what happened, but the fact that people who do not appear as posing a threat to the national security have been monitored with this kind of spyware.

Some people who could pose a political threat to the government. Economic actors, journalists, opposition politicians are on the list of targets persons. It's not for national security purposes, but for political purposes. May I assume that these people were listened too ? Can I ask you, as the former minister of defence, if your ministry has used this kind of software and for what reasons ?

Istvan Simicko : The Minister has said that the government meetings names had never been discussed. Can I ask you if the manufacturer of the spyware called Predator was mentioned as a possible partner for the government, just like the NSO Group ?

Sandor Ronai : NSO Group representatives attended the hearing organized by the European Parliament, and the legal representative of the company told us that the company itself concluded that there was a country in Europe which had abused of the use of their product and therefore their resilience to the contract with that country. Did they relate the contract with Hungary? Here's my question. And between 2018 and 2022, how many cases of secret

information gathering were approved, authorized by this company? And then the Minister has just said that the *Vodafone* business was a simple purchase by the Hungarian state, but it's really an oligarch who is the partner of the Hungarian state that is now purchasing the telecom company ?

Istvan Simicko : When I was Minister for Defence between 2015 and 2018, the most important challenge was migration. Constructing the fence, guaranteeing the security of the country initiated a special emergency situation. There was a danger and the parliament approved this modification of the Constitution. But during the three years I was minister, we never used any such spyware.

We always tried to gather as much information as possible to protect the country. We set up another plan, a ten year plan, to further develop our military capacities. I did think about the fact that this war, after the annexation of Crimea will continue, and it did continue. So this program, this ten year program to boost the Hungarian military capacities, is still continuing. These were the tasks that I focused on as minister of defence.

You mentioned Predator. I heard that this is one of the best drone manufactured by the United States today, and now we can see how important drones are. But I haven't had anything to do with spyware.

To whom then the surveillance tasks were moved ? It was never the Minister for Justice. It was always the Minister for Interior, the National Surveillance Services, and now they are with the minister heading the responsible for the cabinet

We - with the Chair of the committee - did our best to receive you and to answer you and answer all of your questions. What I have to say is we do not have all the information, so we give you the information that we have really, honestly and with good will, you'll need to speak to the minister or invite the minister.

Roza Thun : I will have several questions. One, when Sandor spoke about Predator, it was not about drones, but about the surveillance system which we encountered in several countries and apparently also was used here. You said that you have to give permission to buy such a surveillance system. What information do you collect about the system, about how it's going to be used, how it works, etc., before you give us such a permission, how would you finance it ? I would be very interested. Do you have a special budget line for surveillance, for spying systems, or is it somewhere, somewhere else ? We have heard often that in many countries it is judges, but those judges often don't know for whom they give the permission. How does it work here? What information does the person responsible for issuing the permission get them?

Zoltan Sas : I don't have anything else to add now. We do have somebody who presents the demand. So the representative of a service who comes up with a written document that is submitted to the defence counsel which decides on whether there's a budget for such a purchase. By the time the committee receives the documents, it's quite a big file of concrete.

But as my colleague has said, it is never about a concrete system or a concrete program. They speak about a capability that they would like to take. So, for example, cyber protection, I think the whole of the EU and Hungary itself needs to take some important steps because there is a cyber-warfare going on and we need to be able to fight this off these threats. For us, the security of Hungary is important. What we need is the capacity, the capability that is requested for. Now, what I have already mentioned is that I came up with the proposal to also know the exact type of system or program that is being bought. And this was accepted by the committee.

I hope that in the future we will be able to get this.

Delbos-Corfield : To be honest, it's a bit confusing. For me, nothing is clear for the moment. In July 2021, *Forbidden Stories* came out with with a number of facts about a number of countries. Poland and Hungary were the first one. Whether there was clear information on the fact that people had been spied and a public debate started in Hungary, Mrs. Varga Minister of justice had a statement about the fact that it all of this was about national security. We also know that your committee worked on this. And then in January 22, you came out with a statement saying there was no abuses and all of this was about national security. I would like to understand in all this month what exactly happened in a chronological way and with data, because for the moment, it's very confusing. I mean, you said there was two of you in the opposition did an investigation. Then you said that you were prevented from doing an investigation. And I don't understand if at one moment there's a because there's a number of information that are sensitive information and you cannot give.

I understand that you never to you never talk about specific spyware or specific tools. Could you nevertheless tell us how many requests in the last three years you have been submitted from the government, how many times you were asked to to validate or not a spying process. And I would like to ask you, when you say that you have never got the precise information, don't you reflect on the fact that this could be a problem for your Parliament Committee ?

Zoltan Sas : Well, yes, I will not comment on the declarations of Ministers and I can understand why you cannot understand some things, because the kind of inquiries we are authorized to do is basically of a lower level. It's not as strong as, for example, a fact finding inquiry. So we were not allowed to do is the in-depth inquiry. What we could do was to generally look into the matters, and that is enough to verify if the authorizations were correct, if the deadlines were observed. This *pro forma* investigation was done, but we were not allowed to look deeper into the matter. We were not allowed to look into certain documents examined.

As for the complaints that we received, we investigated these complaints. And what we could say after this investigation is that the *pro forma* rules were observed. But again, we were not allowed to look deeper into the investigation, for example, into whether their privacy was violated or not.

Gilles Lebreton : Firstly, thank you for receiving us here in this wonderful place.

I've got two questions for you :

1) The first is, I didn't understand well, Mr. Chairman, why your committee was not able to inquire in-depth into the complaints of individual violations of the private lives of citizens. Is it the structural rules, the rules of Hungarian law which prevent the committee from launching an inquiry in depth ? I'd like to have a clear response.

Is it Hungarian law or is it a lack of will ? It's a bit confusing and to my mind.

2) Secondly, you didn't want to confirm that the *Pegasus* software was used. I can understand that there were reasons of national security, but now I do understand why you didn't want to confirm that. Because the Minister for the Interior in November 2021 acknowledged that Hungary had used *Pegasus*. So how is it possible that in a democratic state like Hungary, the Minister reveals the secrets and the committee, the parliamentary committee does not dare to reveal the same secret. It's very strange as I see it.

Zoltan Sas : The reason I am not going to name spyware, different spyware is because there are lots of different types and perhaps all of them should be investigated. So it's not just the Minister. Other people also declared what spyware Hungary is using. But I think that all of these of these tools should be investigated.

Dominik Tarczynski : I'll be speaking Polish. But first of all, I would like to thank you for meeting us today, because you are not forced by law or by any other reason to be here and to speak to us. But yet you are here. And I'm very grateful for that. And actually, for me and like for my colleagues, everything you've said is clear. And it has been presented in a chronological order. I have two short questions because we are running out of time.

My two questions are as follows :

1) The European Court for Human Rights stated that Hungary has infringed on the right for privacy and family life. even after stated that there were legal grounds to carry out surveillance against the accused. However, the Hungarian law did not provide accurate safeguards for that surveillance. So what is your position on that ruling that there were legal grounds but that there were not strong enough ? Where does the interest of the state and its security ? What is your position on this matter?

2) At the beginning of this meeting, we said that many of the information was based on leaks or on the media hype, and that we have more of this information than facts on this matter. But what we have learned is that the main source of knowledge about surveillance using Pegasus in Hungary is *Direkt 36* : Are these independent journalists? Does this organization act in a transparent manner? Can we rely on information that this organization shares

Zoltan Sas : this ruling should be observed and the necessary changes should be implemented in Hungarian law. Among other things, judicial control over surveillance. As for your question concerning direct 36, this is an investigative journalism. They sometimes come up with pretty good stuff.

Istvan Simicko : I do not make personal remarks and I try to develop an understanding for our political opponents. At least I try. Now, as for media and their publications, they tend to

have an orientation, a political orientation. *Direkt 36* is an opposition media, left liberal. It is fairly critical of the government. They do a lot of analysis. Last time they called me and wanted to interview me about military affairs. Unlike many on the government side, I actually gave them an interview. So I told them about the modernization of the army. I also explained what kind of differences have occurred since my time. As for the second question, I completely agree with you : bad actors have all kinds of tools at their disposal. But individuals are, of course, interested in maintaining their privacy, but they are actually divulging a lot of information about themselves on a voluntary basis. A lot of stuff that was gathered through secret means in the past is now freely available. That has to be regulated.

Lukasz Kohut : I agree with some irony. We are not talking about spying terrorists in Hungary or Poland, but about using the cyber weapon against journalists or politicians. That makes a huge difference. Regarding *Predator*, I've heard that use of CIA was not of leadership, but a flying drone over Brussels. I don't know if you heard about it, but back to the topic. As you perhaps know, police inquiry committee is working very intensive lately in Poland, in Polish Senate. This independent body collects testimonies, but also organized hearings with many experts in Poland. The meetings takes place regularly and they are well-prepared, taking this into account. I want to ask you about your work here in the parliamentary committee regarding the national security, which is the right body to deal with the *Pegasus* Gate. How many times did you meet in order to collect testimonies from Hungarian victims? If it has not happened, please clarify what was the reason of this unacceptable situation. Additionally, could you tell us when Parliament are meeting, focus on the exchange of view of special is dealing with *Pegasus* or *Predator* took place?

Istvan Simicko : The last question I can reply to. I am in the Christian Democratic Party. So we are still in the in the EPP, by the way. But I can we understand the decisions made by the majority. They do not want to breach. We won the elections four times. We have a two thirds majority. So if there were problems then the outraged population would already have expressed its opinion. So I think.

Zoltan Sas : the basic inquiry gives us the opportunity to check whether the procedure was legal or not. I would have been very happy to have been able to conduct a fact finding, a finding inquiry where we could have listened to these people. But unfortunately we were voted down in the committee.

The committee did discuss complaints concerning spyware several times. I haven't actually counted how many times we spoke about this. And I worked through the reports. We did ask questions at meetings and what I can say, I have always been a chair who tried to gather always as much information as possible and to use the maximum of our competencies. Now then what can happen in reality means on know depends on the vote in the committee position. But I've always done my best.

Istvan Simicko : as far as I remember, we have not organized a debate on this topic as such, but opposition members have often came forward. I have come forward with these questions

and then secretaries of state or people responsible gave answers. But there was no debate as such on this topic.

Jeroen Lenaers : It seems somewhat implausible if you look at the list of victims of *Pegasus* in Hungary, that this was all to do with national security. If you look at the individual people mentioned in the media reports, it is difficult for us to understand and believe that they were all such a threat to national security that they needed to be targeted with such an invasive spyware technology. What is your definition, if you have one, of national security ? Is there a definition that you use in order to assess whether, for instance, the authorizations were done properly? But why was the majority against doing deeper fact finding inquiries in this case? And you said very interesting that if it were up to you, Chairman Sas, that it would be better for judges and magistrates to provide authorizations, rather than the Ministry of Justice. Yet in the past years we see that the number of authorizations provided by the Ministry of Justice have increased. So how do you feel about the trend ?

Sophia In't Veld : I'm a little bit surprised to find some inconsistency in your answers. *Predator* is a very powerful spyware, which was invented by a company called Citrox, which is actually established in Budapest right here. Now, you've been the minister of Defence for three years. I would be very surprised if something like that is happening in your town and you wouldn't know about it. Secondly, you said the first time you heard about Pegasus was after the revelations in July 2021. That also strikes me as surprising because apparently it has been acquired around 2017, 2018 after a couple of high level visits of the Hungarian government to the Israeli government. Now, I assume that the minister of defence would be part of such a high level delegation. So I assume that if you sat around the table with the Israeli government that *Pegasus* and who knows, *Predator* have been mentioned, certainly also during your tenure. So if I hear you say now, "Oh, I had no idea until it was all in the media", I find it a bit strange. And then you say all the decisions in this committee are taken unanimously, but then we hear a whole list of decisions which were blocked by Fidesz or by the majority.

Istvan Simicko : First of all, judges should authorize such surveillance, independent persons who are not part of the government and the government administration. We would have the legal guarantees for a fair procedure. Such a system should be introduced in Hungary, like in most of EU member states.

Again, sometimes the committee votes unanimously, and sometimes there is no unanimity in more problematic issues, and that's the case of fact finding inquiries. I think that there are no controversies in my answers.

Jeroen Lenaers : Thank you very much for for being with us. We have another meeting now with the the National Data Protection Authority. We know you are under no obligation to meet with us and we had experiences in other EU member states where members of the governing party would not meet with us. In that sense, this is a a good contrast. And we thank

you for your frankness. And I hope you will also take good notice of the report that we will finally adopt in the European Parliament and the recommendations that we will also address at the European level, but also at the member state level in order to come to a situation that we all would like to see where such invasive spyware is not abused against citizens, innocent citizens that do not pose a threat to national security.

18:00 - 19:15 : Meeting with Mr **Attila Petefalvi**, Chair of the Hungarian National Authority for Data Protection and Freedom of Information, Ms **Anita Roman**, Deputy Head of Department of Regulatory Issues, and **Tamas Bendik**, Senior Strategic advisor.

Jeroen Lenaers : Our previous meeting, we were at the Hungarian Parliament, meeting the Chair of the Committee on National Security. We found hard to understand how some of the people that were targeted with Pegasus, the ones that we've read media reports about, and sometimes we've met also in our committee of inquiry, would pose such a threat to national security. So we're very much looking forward to hear from you.

Attila Peterfalvi : I very warmly welcome you to the Data Protection and Inflation Freedom Authority. I'm the chairperson of this authority. I have been the chair since the 1st January 2012, but I also used to be Data Protection Commissioner between 2001 and 2006. Since 1996, I have been involved directly with data protection as an outside expert. Back before the political transition, I had already participated in the drafting of the law on data protection in the 1980s. I teach at several Budapest and Hungarian universities and also occasionally at Kiev University in the Ukraine

Let me also tell you first that it is almost unique in the world. In 2016 - 2017, the Special Services of National Security, the Data Protection Authority, carried out a full audit of the National Security special Services activities, activities linked to secret information gathering. Since 1995, the Data Protection Commissioner had the power to provide an oversight on surveillance and information gathering.

Now, to address the Pegasus case, we also read in the media 19 July 2021 that the national security services, including the Hungarian special services, were using or had using a spyware called *Pegasus*. Before that, our authority had not received any complaints from Hungarian citizens. So our authority launched an *ex-officio* inquiry the 9th of August on the use and functioning of the spyware and on the list reported by the media. We checked every single person whose name was disclosed by the media. And then we also gathered statistical data with the national Security services relating to any cases where the spyware had been deployed. And then we proceeded to sampling about a hundred particular cases that we investigated thoroughly.

Now, let me also tell you that misunderstandings were published. Since the amendment of the INFO Act on the 26th of July 2018, the authority can make an inquiry *ex officio* about data handling by the National Security services. Before our hands had been tied and we only had the rights to launch an investigation in specific cases. As of 2018, we can launch an inquiry at any time, either upon request or complaint or *ex-officio*, and contrary to the news

reported by the media, since it was an *ex post* inquiry, our authority did have access to all relevant documents. Although during the inquiry we were primarily interested in the authorization of the deployment of the software. The media reported that it had been the Minister of Justice who had authorized the surveillance and wiretapping, but in order to check whether an authorization was lawful, we had to check the whole process. So for every single case, we did check the proposal made by the services and contrary to that, was reported by the media, it was not a formalistic check to just take that. We examined the substance and the existence of the national security threat and also what that threat was. In other terms, we check the situation which justified for the national security services that there was suspicion of threat to the security of the country. So we had to check every situation : we checked the motivation, the explanation, and if the purpose could have been achieved by any other means other than secret gathering of information. And since we checked that, we also checked if the data were correctly, properly qualified. I would also like to confirm that I haven't qualified anything or classified anything as the chair of this authority.

Among the people that were on the list reported by the media, there some who had not been subject of surveillance. Now, I would like to confirm as well that for the people who had been the subject of surveillance, these cases were done using judicial authorization and not authorization by the Minister of Justice. Of course, I cannot disclose any specific information because all information is classified here. I would also like to stress that.

On the basis of the news report, at least by the media, the authority did its best to get hold of the lists of people that apparently exists, but we haven't managed to get hold of the list of 300 or so people, neither within Hungary nor abroad. We did not have that list available to us.

The law does not provide for any exceptions, any derogation to the main role governing surveillance. So there is no stipulation according to which a journalist or politician could not become the subject of surveillance when there is a suspicion of harm to national security interests. The media wrongly reported that the software could only have been used in the fight against organized crime or terrorism, but for any threat, national security threats that was identifying software as provided by the law. And it's not true either that the Israeli partner would have banned the use of the software because of its alleged misuse by Hungary.

Authority in charge of data protection deals not only with unlawful data processing or collection, but also that so-called data protection incidents, and it's not normal that this kind of information is disclosed about the use of national security tools, because all of that information is classified. And the procurement contract did provide for the safeguards to ensure confidentiality of all information on the use of the tool. So it's only the user who was allowed to be aware of.

I had to launch proceedings with the law enforcement agency. Forensic experts have been appointed to examine the functioning of the spyware and to inform on the basis of the publicly available information available. So this is what I've been able to tell you about this case.

Tamas Bendik : I think it would still be useful for you if I just read some of the different references in data protection in Hungary on the basis of which my colleagues carried out the inquiry. It's Section 6 of the fundamental Law of Hungary that we absolutely need to invoke here : the right to the protection of personal data as a fundamental right. Section 6 also provides that an independent authority is in charge of the protection of personal data. When it comes to EU legislation and EU law, the provisions of Law Enforcement and Data Protection Directive were incorporated into that Hungarian law. And GDPR itself and then the LED don't regulate information gathering by national security services.

I would like to stress that when the national Security services deploy this type of tools, the use of those tools is governed by Member state law ; as only when law enforcement agencies use them, then it's the European laws that govern their use.

So any legal institution that is provided for the Directive 2016 / 680 to be implemented and applied to any national security services as well in Hungary. And I think that makes your job a bit easier because it's the same regulations that apply to national security services as well.

Anita Roman : The inquiry took place on the basis of the media, media reports, we hadn't received any complaints from subject persons. The situation has changed since then. Several people have submitted requests to our authority. We are carrying out inquiries and some of them have already been finished, concluded. Now when we do this inquiry, we again examine the document, what was the Data processing, what the criteria were, and whether these criteria were met. All that is included in our decision.

Jeroen Lenaers : Thank you. Thank you very much for the elaborate introductions. I propose that we do the questions in three rounds. We start with the first round with our rapporteur, Sophie In't Veld.

Sophie In't Veld : Thank you very much for the opportunity for this exchange of views. I have a series of questions, so I will fire them at you very rapidly.

Very first question is not on the substance of the matter, but the independence of your institution. There is a court ruling which says that because your predecessor was sacked basically, the independence of your body cannot be guaranteed. If your predecessor was sacked, what gives you the guarantee that you cannot be sacked? And what does that say about the independence of your authority?

Secondly, you mentioned that you have investigated hundreds of cases. Then you said there was a ruling by the European Court of Justice, so it's not something I'm making up. How many were there in total and how many have you investigated ? You mentioned that no citizen came forward before July 2021, but that seems fairly obvious, given that they were not aware that they were being spied upon.

Are you apart from from *Pegasus*? Because you say that you have not found a single case where the surveillance was not justified. How have you assessed that ? Have you assessed that against the legal definition of national security, which exists in Hungary, but which is very,

very broad ? Any kind of surveillance would fairly easily be justified because it also includes, the safeguarding of financial interests and internal security and organized crime and terrorism. Can you say something about the current case against Mr. Wilner? I don't know if I pronounce this correctly, the secretary of state, who was apparently in practice signing instead of the minister. And we hear that there are leaked tapes in which he's complaining that he was made the scapegoat for the whole surveillance scandal. So in other words, the minister had him doing the signing so as not to make her hands dirty. You said that is not true, that Hungary is one of the two countries which apparently is where for which apparently Israel no longer issues an export license. We all assume that Hungary and Poland have been struck off that list. Can you please explain why you make that claim?

My final question is there was an earlier scandal of very similar in nature, with the company called "*Black Cube*". And it seems to target pretty much the same people, opponents and critics of the government. And it was before an election. Now, in that case, data protection and the right to privacy were also affected. Have you been investigating that case either in response to a complaint or *ex-officio* ?

Roza Thun und Hohenstein : What assistance can you provide as an institution to individuals who suspect that their right to privacy is being violated, particularly through abuse of tools like Pegasus and other spyware? And have any steps been taken to make sure that their rights were never violated? Thank you.

Gwendoline Delbos-Corfield : You started, Mr. Chair, by saying that the NSO has not discontinued the use of the software, and then the representative said that is classified information and the contract that they signed also does not allow for them to publish anything about the contract. So how do you know that ? How do you know that the NSO did not terminate the contract with the Hungarian government ? And how are you in this position to be able to tell us?

The Pegasus scandal erupted in July 2021, and you started your inquiry in August, and then you investigated 300 cases in a 55 page report, which was published in February 2022. What took you so long ? If the only place you actually went to was the special service for National Security ?

Attila Peterfalvi : The press is lying. It is simply the news cycle. Whoever says that we only went to investigate the special service for national security is a liar. We did not go to the Ministry of Justice, that is true, because, we went to both of these offices and we were allowed to look into all the entire dossiers for files. I got all the information that was gathered was available to us. So we had a total waiting amnesty going on maximum. We were allowed to look into those files. I think 93 or 95 cases have been investigated. Not 300. We actually followed up on those cases, including ongoing cases. So in most cases, we did expose to investigation and sometimes we looked into ongoing cases. So there is the stage of approval, the stage of implementation, and there is the ex post.

We all knew there were cases in which the surveillance was discontinued after 90 days and there were cases in which the surveillance was continued after 90 days, again, in accordance

with legislation.

How do we protect these people? We investigate their cases and control of the data processing, especially data processing that is the most invasive, including aspects of which the person is not aware by definition.

The only reason I could be sacked is if I willfully lied in office. That is the only reason that I can be removed from my office by the President of the Republic.

Now as for the export license it is in the original report and this is what I have confirmed now, that we do not have any information which shows that the NSO terminated the side effect of the use of this software by Hungarian national security authorities. The contract, by the way, was not classified for national security reasons. It is basically a commercial secret and that is why it is not available. But I was allowed access to it and I also looked at the contract when I made the specific inquiry at the Special Service for National Security. I have no information about "*Black Cube*".

Tamas Bendik : And of course, maybe I don't even need to say this if the person is not satisfied, if the person matters to us and is not satisfied with our decision, there is, according to EU and Hungarian law as well, the possibility to turn to court to attack this decision and ask for a revision.

Attila Peterfalvi This court, of course, can ask for a preliminary procedure from the European Court in Luxembourg, which means that the case can go to the EU level. They have to write to me, sufficient.

Gilles Lebreton : I listened very carefully to what you said and I didn't fully understand your explanation. I have two questions for you

First of all, you said you investigated hundreds of expected to illegal surveillance, but then I lost track of what you were saying... You said that in some cases there had been no spying and everything was fine. Other cases where spying had taken place. For me, it was judicial authorization. So how many cases of illegal surveillance did you identify among these hundreds of cases? If you investigated 100 cases, you should be able to give us a precise number of cases where illegal espionage was involved.

You said you have never been in possession of this list of 300 people who were allegedly spied upon. This is very worrying because it does cast doubt on your actual capacity to control this situation. Why is it that you have never had access to it? If you do not have access to the names of the people who were subject to surveillance, that means you cannot do any control or oversight.

Attila Peterfalvi : You should ask Amnesty International to send study studies because I don't have the necessary tools to reach them. I contacted the Budapest office and I cannot go to London and knock on their door. If you can do so, please ask them to send me over 300 names and I will check them so that I have tools available. I did my best at four different occasions.

I still cannot give you the figure whether it was 93 or 95. That's why I said approximately 100. We have not found a single case in which the data processing was unlawful.

The first permit for a surveillance last to be given for 90 days and then it can be pulled off if it's still justified. Now, obviously, if it's not justified, it comes to an end. If they think some additional period is needed, then the 90 days can be prolonged by another 90 days.

Lukasz Kohut : What kind of actions were undertaken by the national authority for data protection and Freedom of Information in order to examine all the confirmed victims of *Pegasus* Gate in Hungary ? Did you propose solutions that would allow stopping the illegal infiltration of Hungarian citizens ? *Last but not least*, you said that you can fully investigate files on the surveillance that had been authorized by the Minister, but not the ones authorized by a judge. We already know that some of the cases had been authorized by judges. Could you tell us something more about it ?

Jeroen Lenaers : we also have the shadow of the European Court of Human Rights judgment, which questions the *ex-ante* oversight mechanism, which is ineffective in the context of surveillance in Hungary. You, as an authority, proposed amendments to the law, to the government to improve this, including by creating an independent body, and these amendments have been rejected by the government. What is your response to that ? Does that mean that we still have a insufficient *ex-ante* oversight mechanism in Hungary ?

Secondly, just to come back to the point on the prosecution of people : in the response to the question, you said you have established that all the authorizations were justified. And this is all very clear in your report. I'm not trying to have a debate on that. The only the question was more in the sense that if there are 95 people whose authorization to be under surveillance has been justified on the grounds of national security, you would logically assume or expect that at least some of these people will be prosecuted for breaching national security or for posing a threat to national security. If none of these 95 people have actually been prosecuted, then maybe you should look back and see that the original basis for the surveillance may not be so justified as you might think. The question is are you aware that any of the 95 people you have come across in your investigation have actually been accused of something ?

Lastly, in your first introduction, it seemed as if you were saying that you had information that the contract with NSO was not terminated, and then later, that you don't have any information that it has been terminated. So just to clarify, do you have information that it has not been terminated ? Or do you have no information ?

Attila Peterfalvi : I wouldn't say "victims" because there are only victims when there is an unlawful processing of data. We looked into all of the names mentioned in the press, we selected a sample and therefore we couldn't, of course, look into all the cases because not all the people came to us. But we investigated those cases.

We did an external control after *Pegasus* data came up, and in 2017 we concluded that they have an internal control mechanism which was appropriate, and at that time we did not feel that we had to make any recommendations because we have not seen any sign of illegal data

processing.

As for NSO, we do not have information that says that NSO had terminated the contract.

Jeroen Lenaers : Thank you. We very much appreciate your willingness to answer the questions. I'm not sure with all the concerns of the colleagues are fully addressed. But this is, of course, a matter also for us to discuss in the context of our parliamentary debate. Please keep the dialog with our committee open we hope that we can cooperate in hopefully a common goal to make sure that there is no abuse of any such spyware against innocent citizens.

II. Meetings of Tuesday 21 february 2023

08:30 - 09:45 : Meeting with Mr **Zoltan Varga**, owner of Central Media Group, and Mr **Szabocs Panyi**.

Jeroen Lenaers : I'm very happy to welcome our two guests, Mr. Varga and Mr. Pani, to our delegation meeting here today.

Mr Panyi we remember that your presentation a year ago was very impactful and concerning and I'm guessing that things have not necessarily improved over the past years, but we look forward to hear your updates anyway. And the same goes for you, Mr. Varga. We haven't met yet, but we have read a lot about you. I would like to give you the floor for a presentation on what you would like to share with us.

Zoltan Varga : The reason why I am here is that I am the owner of the biggest independent media outlet, most British, reaching seven and a half million people with printed media and online media run online. I am not planning to sell it and that is why I am being threatened. The government tried a friendly approach. but I always refused.

I didn't know I was a target know. Then when I was informed, I thought that if there is such a serious breach of rights that I need to come public. Many media outlets wrote about it that I am one of the people who was under surveillance. But nothing really happened.

I think the government Israel uses the same methods. The whole system is corrupt, which are all the same and that is repeated. And I don't see somebody pushing against somebody to do something. It's very serious. I'd be happy to know the reasons for why a such surveillance was ordered against me. But I have no possibility to know these reasons.

Szabocs Panyi : Thank you very much for this invitation. And I'm really grateful that we finally have the chance to meet in person. I'm an investigative journalist based here in Budapest. I was both a victim of this surveillance, and a member of the so-called *Pegasus* Project team, this consortium of international journalists who uncovered the abuses.

I work for *Direkt 36*. It's a small investigative outlet, and we were focusing on uncovering the Hungary story. We met with Mr. Zoltan Varga back in the summer of 2021, and we revealed to him the details that we gathered through this database that we see at least seven phone numbers who were targeted around the same time.

I invited those people over for dinner and we were sitting all around the table and we had our phones there on the table. We did analyze multiple phones and we did find a successful compromise of *Pegasus* on one of the phones and also attempted compromise on some other phones. So it was 100% sure that this dinner of Mr. Varga was indeed surveilled by the Hungarian government.

What we identified is just a small part of what might have been going on here. We don't know the true scope of this surveillance. I agree with Mr. Varga that this is connected to the crackdown on free media. The other thing that connects these journalists and these media company owners is that at that time their surveillance was not followed up by any prosecution. There were no criminal charges brought against those people. So the Hungarian government and also the Israeli manufacturer of *Pegasus*, claims that this spyware is only used against the worst criminals. In this case, what we see is that the Hungarian intelligence services were spying on journalists and media company owners, but the information they gathered was somehow not enough for them to trigger any kind of criminal investigation, meaning that in the first place, these surveillances were not substituted by any fact. These were not corroborated suspicion against these people, because in that case I should be in jail instead of talking to you. We revealed also through our investigation that at least ten Hungarian lawyers were also surveilled with *Pegasus*.

You didn't have the chance to meet the the Minister of Justice, Mrs. Judith Varga. But I would suggest to you to try to meet Mr. Laszlo Troczanyi, who's a colleague of yours. He's an MEP in Brussels. He used to be the predecessor, if you read the article and he was in charge when actually these surveillances started back in 2018 and 2019. So until May 2019, Mr. Laszlo Troczanyi, he was Minister of Justice of Hungary and according to Hungarian law, he was in charge of the permits that the Hungarian intelligence services needed for these surveillances. Maybe it's easier to talk to Mr. Troczanyi in Brussels or Strasbourg.

Mrs. Judit Varga herself revealed that she outsourced this job to her deputy, who is currently on trial because of rampant corruption and taking bribes allegedly to do favors for other government officials. Varga wasn't in the position to outsource this authority to her deputy. This was a tradition established in the Ministry of Justice. But this was not illegal. And because of this, each and every surveillance permit that was issued could be scrutinized if it's proven that it was not signed, not authorized by the minister of justice herself.

Jeroen Lenaers : Thank you very much for your words, which were very helpful.

Mr. Varga, what you said that is first and foremost about intimidation. Thank you for the suggestion to meet with, with our colleague Mr. Troczanyi. I'm not sure if he's going to be more willing than Mr. Varga to meet with us, but at least he is in Brussels and he has the time. Mr Panyi, I think on behalf of our committee we have been very critical on the European Union as a whole for not giving enough attention to the *Pegasus* scandal as such. On the rule of law, the European Union, the European Commission has competences and it should use

them.

Sophia In't Veld : Thanks to our two guests for being here and also for all the efforts that you're putting in to the defence of the rule of law. I can reassure you that Hungary is very much on our radar screen and has been for the last almost 13 years. The trouble is, with this spyware scandal, that there are other countries where indeed very similar situations occur and whether they are just copycats of the situation in Hungary or whether they do so out of their own initiative. I think we can easily agree and it has been said that Hungary is not a fully fledged democracy anymore.

I still would like you to ask a few details to get the picture even clearer :

First, on the issue of signing the authorizations for surveillance, you said, Mr. Panyi that Judit Varga as Minister of Justice has outsourced it as a matter of sloppiness. But I understand that the tapes have been leaked from the court case against Mr. Filner, where he actually suggests that it was strategy so that there wouldn't be any Judit Varga fingerprints on the authorizations. I would like to hear your reflections on that.

We also heard that the authorizations can be signed by either the minister when it concerns matters of national security or by a court when it can when it concerns regular crime. In the latter case, the Data Protection Authority has no right to investigate. So do you know in both your cases, has it been signed by the minister or the secretary of State

We heard conflicting messages yesterday about whether Hungary is one of the two countries for which the Israeli export license has been revoked. How do you see that?

And finally, can you say something about a possible connection with the *Black Cube* case?

Juan Ignacio Zoido : Mr. Varga, what impact of the Pegasus scandal have on the media markets, particularly on journalists, and how did it affect your business ? Can you confirm that the objective was to intimidate you, to force you to stay out of your business ?

Mr. Panyi Just to give me a brief to clarify the situation you're experiencing, I have four questions for you :

- First, how do you assess the increase in surveillance of journalists and civil society and the democratic opposition?
- Secondly, I guess this surveillance has been officially sentenced to for violating state security. Parliamentary committee and Data Protection Authority said that they are helping citizens to process all their complaints. What is your view on that ?
- Finally, where there exfiltration coming from the security services?

Sandor Ronai : Yesterday, we spoke to members of the National Security Committee in Parliament. And they told us that this National Security Committee has the right to initiate inquiries. But the chair told us they were not allowed to conduct a *fact finding* inquiry. They could not speak to the employees of the Secret Services because this proposal was voted down by the pro-government majority of this committee. Were you contacted by the committee? Did they ask you to come and speak to them and then told them not to go? You did mention this defamatory campaign against you. That has made the situation worse ? So

the message is that I am no friend of the government. To me, I am under surveillance. So anybody who speaks.

Zoltan Varga : About signed authorization I have no idea whether this was a court or the Ministry of Justice. I was very surprised, actually, that the Data Protection Authority has never contacted me.

Szabocs Panyi : If surveillance is part of an investigation by national security agencies, then it's authorized by the minister of justice. If it's a criminal case, then it's authorized by a judge. According to my knowledge, there is one or two judge in this country who's signing all these surveillance permits when it comes to criminal investigations. And I believe but this is just an assumption. So I don't have direct evidence. It's just based on what is the chain of command, what is the procedure.

The government and their agencies make up the facts on which they base the surveillance and say that we're foreign agents, agents of George Soros... Currently they're accusing us of being agents of the CIA.

About the Data Protection Authority, I myself don't have any personal experience with them, apart from being investigated by them. He was appointed by the majority of Viktor Orban, and I'm not aware of any single probe or investigation launched by his authority that was critical to this government.

The question whether NSO Group terminated its contract with Hungary and Poland or not, I don't have any information on that. What I was told by confidential sources and what I already reported in some articles, according to my knowledge, when we broke the *Pegasus* scandal in summer 2021, is that the use of this spyware was suspended in Hungary, but after some time it was resumed. But we don't know what happened after. What I was told is that the Hungarian government doesn't have any similar capabilities as Pegasus.

Regarding *Black Cube*, this Israeli dark intelligence firm, was conducting operations against a handful of NGO people and an American former American government officials. They also tried to target some Hungarian citizens working for NGOs. And they were essentially doing this to help the governing parties campaign, but without the knowledge of the Hungarian security services. So this was this was like a side job outsourced to private actors. This was not organized by the Hungarian state agencies themselves. This was a deal between the governing party or people helping the governing parties, communications and propaganda and this Israeli firm. But the Hungarian state, to my knowledge, was not involved in contracting *Black Cube*. The difference is that *Pegasus* was used by the Hungarian agencies.

Roza Thun und Hohenstein : I remember the first meeting with you which was already extremely impressive. Does it somehow intimidates your staff, partners, etc., here and abroad ? This hurts when we hear that the feeling here is that the European Union doesn't take enough care or doesn't care much about what's going on in Hungary. And I'm afraid that you may be right that. this is a virus that spreads afterwards. Everybody watches those who have

those. European institutions don't react strongly enough.

Gwendoline Delbos-Corfield : Do you have an idea where they find the money to pay all of these, these spyware are expensive to buy. That's why probably big countries don't need to buy them and create their own system. But this being said, it's still a lot of money.

So you confirmed that none of you had hearings with the committee coming from the parliament, the hearing that you had with what was with the prosecutor in what was a sort of an attempt of investigating, and then they didn't pursue. Do you know anyone heard by the committee? What did the parliamentarians do in the Parliament committee that would be really important for us to understand ?

On self-censorship we know that this is your main problem in Hungary. Sometimes it's difficult to make awareness in the European Union to officials because you don't go to prison, you don't go into detention. I think it's important for you to make people aware of the effect that self-censorship means the civilians.

And even if the committee or the data protection officer say that everything was legal, it doesn't mean that it's legitimate. And indeed he never tried to legitimize anything. So we need now to work more on the legitimate aspect of it and less the legal aspect. I guess today there's absolutely no rules and no laws about this. What do you see as the big weaknesses in the Hungarian system about this?

Gilles Lebreton : How do you see these improvements in the functioning of the National Data Protection Authority thanks to the 2000 law ? What would you like us to do more in Europe ?

Lukasz Kohut : I would like to thank both of you from the bottom of my heart. We are following closely your work. I'm from Poland, and I would just like to remind you that Mr. Kaczynski said that he will make a second to Budapest in Warsaw. I came to Hungary a few days earlier to talk to the people, to watch TV. And what did I see on TV? I saw on Saturday that maybe in Hungary, there was a little less message from the opposition because in Hungary the opposition has no room for manoeuvre at all. In Poland, the opposition is still under attack. I'm afraid that the same scenario may repeat itself in Poland after the elections in September. In Poland and Hungary, we see democratic backsliding. But in the European Parliament, we are trying to do everything we can to make sure that we do not.

I would like to ask you about the civil society and about the media, because currently Orban just sided with Putin, with the Kremlin. What is the response of the Hungarian society in case of a breach of internal security in Hungary? Isn't it political by becoming just a servant to Kremlin right now ?

Zoltan Varga : On the atmosphere and if I feel intimidated. I think that there are some red lines that have been crossed, like the surveillance of people. But I believe that one of the reasons why Pegasus was widely abused was because the government doesn't have other powers that they could use to suppress journalism or the opposition. It's not Turkey, it's not Russia. So at least we don't have to deal with physical dangers. And whenever I'm as of this

question, I always feel obliged to bring up the issue that, for example, in Morocco, a journalist who was serving with *Pegasus* has been sentenced to six years in jail in Mexico. A journalist who was targeted with *Pegasus* was killed some weeks after information was gathered on his movements. There are many, many places not members of the EU, more authoritarian, where where journalists *really* sometimes paid the ultimate price for doing their job. So I really don't want to portray myself as a victim of some very evil force, because at least as I said, and this is also the reason why you're here, Hungary as a member of the EU, still has to uphold certain values.

When it comes to media or illegitimate surveillance, none of these issues are part of the debate between the European Commission and the Hungarian government. These issues are not scrutinized by the European Commission when it comes to this debate on unlocking EU funds for Hungary on the acquisition of Vodafone. I think the main threat here is how well Hungarian taxpayer money is being spent, especially in the times of an economic crisis, but also when the Hungarian government acquires that communications company, the question comes up how much the data of the customers will be protected inside this company, how strong the compliance directorate in this company will be after the acquisition. It's still in the future. We we do have fears, but as an investigative journalist, I can only report on facts. So we'll see when there's evidence of wrongdoing.

I really respect what the European Parliament is doing. And I agree that Hungary is debated much in the European Parliament. The sad thing is that when it comes to the European Commission or when it comes to the Council, we see very minimal attention and even less action. So the impression of Hungary in civil society and independent media is that it's always talk, talk, talk or debate, debate, debate. But in the end, there's no action. And what I mentioned is that media and surveillance, for example, is not part of the discussions when it comes to the conditionality or the rule of law issues in Hungary.

The Hungarian intelligence services are a little more careful than the ones in Poland. It's more important for them to work in a more covert way, not to reveal their activities that way. The Hungarian government's relationship with Russia is another story and I have to say that it's also connected to cybersecurity. There's a general feeling among NATO's allies that whatever secret they are sharing with the Hungarian intelligence agencies, it can be compromised, not necessarily because of the Russian infiltration of Hungary, but because everyone sees how politicized the Hungarian intelligence services are that they are being used for political hit jobs such as Serbian businessmen. So obviously, the same agencies that are carrying out political tasks are not really regarded as respectful agencies by its EU and NATO partners.

Szabolcs Panyi : before the 2022 election, I completely underestimated the strength of propaganda reports. I believe that they now have a penetration of 75 to 80% of overall in the Hungarian market, and that poses a danger to the European Union because it can actually change the way that people think if they can restructure their brains.

To answer Mr. Lebreton question, the elections are free, but the rules are not fair. Obviously the EU is not and should not be questioning the results of elections, but they should have intervened earlier before these rules were distorted. This is a toxic system which was built using European financial chaos. So the situation in Poland is a lot better. I think we still have a chance there and I have trust in the judicial system, but I will take my case to its logical conclusion.

Jeroen Lenaers : Thank you very much. It was quite a task answering all those questions in such detail, but we very much appreciate that. And also a criticism to our functioning is always welcome. It's good for us to have a mirror held up against our own performance. And I think it's exactly what sets us apart from less democratic societies that we accept your criticism and we'll also reflect on that. Having said that, of course, I mentioned that Minister Varga did not meet with us because she thought this was a national security issue. She also mentioned later that she did not want to support the Hungarian and European left wing efforts supported by Soros dollars. Now, I think it comes as quite a surprise to some of our members, including myself, to be considered left wing. And we've never seen any sort of dollar for that matter. But it says a lot about it and it says a lot about the culture and the atmosphere in this country. And we had a very good exchange of views, which I would like to thank you. It went a lot wider than just *Pegasus*. But I think it's important because you cannot separate the way *Pegasus* has been used in Hungary from the wider concerns about rule of law, about independent institutions, about checks and balances, about media freedom, about the position of journalists, about protection of free speech. So that I would like to thank you and your comment Mr. Varga. We were in Poland earlier this year. We came back with a very pessimistic view of the situation there. So your comments that Hungary is even worse at the moment is much worse.

We will continue working under the leadership of a rapporteur, Sofia, on our report of findings and recommendations, and I would like to invite you to stay in close contact with us to make sure that we can work together on this common goal to prevent the abuse of spyware against ordinary citizens and to protect the rule of law in the whole of the European Union.

10:00 - 11:15 : Meeting with Mr **Balasz Toth**, Attorney at Law, and **Andras Lederer**, Advocacy Director at Hungarian Helsinki Committee, Ms **Dalma Dojcsak**, Senior Strategic Director, and Mr **Tivadar Huttli**, Head of the Legal Aid Service, and Mr **Adam Rempert**, coordinator for issues relating to "*Pegasus*" of the Hungarian Civil Liberties Union (TASZ), and Mr **Aron Demeter** (Amnesty International Hungary)

Jeroen Lenaers : Thank you all very much for being with us. We look forward to have an exchange of view with all of you representing three very important organizations, the Helsinki Committee, the Hungarian Civil Liberties Union and Amnesty International. This is our last meeting of our mission to Budapest. We started yesterday with the members of the National Security Committee of the Hungarian Parliament. We met with the president of the National Data Protection Authority. We had a meeting with Mr. Varga and Mr. Putney

just before our meeting here today. We had hoped also to meet with Ministers but our request was declined based on the fact that this is a situation that deals with national security and the European Union has no competence. This is one of the points that we strongly disagree with, particularly because we don't see the whole Pegasus scandal as a national security issue but rather as a rule of law issue for which the European Union, the European Commission and also the European Parliament certainly do have competence on. This is not only a Hungarian issue. We already visited Cyprus, to Greece, to Poland. We will travel to Spain next month as well. This is a problem in the whole of the European Union. But of course, it cannot be separated from the general discussions on rule of law in Hungary, on the lack of proper checks and balances, independent institutions, media freedom, etc..

Dalma Dojcsak : I completely agree with the Chair's introduction about the fact that this is a rule of law issue and this is a human rights violation issue. Those rights that are violated in the case of *Pegasus* in Hungary are strongly linked to the human rights and liberties that are enshrined in the Charter of Fundamental Rights of the European Union. That is why I call your attention to those mechanisms that are available to you and to other European Union bodies to enforce those rights and to emphasize the importance of those rights, whether or not they are violated in secret surveillance or national security condition.

Many Hungarian and other citizens' devices have been infected with the Pegasus software in Hungary and we found in our research and procedures that this was made possible because the Hungarian legal framework that enables state bodies to use secret state surveillance is very permissive and basically legalises every action of the government and the secret surveillance agencies. They can put a legal stamp on any decision they make. In Hungary, secret surveillance may be ordered by the Minister of Justice and there is no effective judicial oversight of this decision. Therefore, it is the executive branch of the state that can decide and exercise the right to secret state services. Those who are surveyed by this means have no option to either receive compensation or even information on their surveillance by the State.

This is what we found in our procedures and my colleagues will talk about it in more detail. What we argue is that the whole framework in Hungary enables the government to use secret state surveillance without judicial oversight. This was outlined in several cases of the European Court of Human Rights and it violates both the right to privacy and the right to the freedom of speech which are guaranteed in the Charter.

Some specific violations are very alarming with regard to the rule of law. As regards secret state surveillance with *Pegasus*, there are three main targets or groups of targets:

1. Journalists. I know that you have discussed with the journalists and media professionals and you must be aware of the very chilling effect Pegasus surveillance has on media freedom as journalists are not able to effectively protect their sources. The right of media freedom and the right to protect sources of media professionals is not effectively provided

under Hungarian law. Secret services can access the sources of journalists without any judicial oversight.

2. Lawyers. Indeed, prominent lawyers were surveyed with the Pegasus spyware. The breach of attorney client privilege is a serious violation of the rule of law and the right to a fair trial. This can undermine the public trust in the judiciary and the rule of law in general.
3. Activists and politicians. We believe that free and fair elections are impossible when the opposition and its tactics are spied on by secret state services. It gives an unfair advantage to the government, it can have a chilling effect on people who plan to enter the political arena and it can undermine the pluralistic and democratic societies.

Tivadar Huttli : I would like to reemphasize the importance of what my colleague has just said and which is the position of our organisation : these rule of law cases are intertwined. They can not be separated from each other. Secret surveillance is targeting the very people in civil society who are supposed to uphold a democratic society.

Now, we decided to give legal representation to all people who have been surveyed with the Pegasus software. To my knowledge, we are the only one representing clients in the *Pegasus* cases, and we are ready to call on all possible legal remedial institutions in order to prove that the Hungarian legal institutions provide no effective remedy, as has been confirmed by the European Court of Human Rights which has ruled that Hungarian remedial institutions were not effective in the case of secret surveillance. We want to provide its clients with information on their surveillance and redress, and we filed complaints with the ministers overseeing the security services. Of course, these ministers are not independent from the government and none of them has found any kind of legal breach in the activities of the national security services.

As regards actions undertaken, the National Security Act allows an appeal procedure to the Parliament's National Security Committee after a ministerial complaint has been rejected. We tried this and what happened is that the Committee has launched the investigations but found that everything was in order. Government members have a majority in this Committee. This means that, if they decide that a case was conducted according to the law, then they can just vote on it and accept it. It also means that, should they want to boycott sessions of the Committee, they can also do it. They have done so on several occasions.

We filed seven complaints with the Commissioner for Fundamental Rights, the Ombudsman, who has not taken any kind of action so far. In fact, the ombudsman has never taken any kind of action in secret surveillance cases. There are serious concerns about the independence of this Institution.

We lodged a complaint with the European Commission. Unfortunately, the European Commission rejected our case.

And we also lodged individual complaints with the Data Protection Authority which has

launched its own investigation ex officio and found no breach of law whatsoever. This is also because the law permits secret surveillance technically in all cases without supervision, with the authorization of the Minister of Justice. The Data Protection Authority only investigated whether these surveillance cases adhered to the letter of the law. It did not question the legal framework at all.

Courts have different interpretations of their jurisdiction, which causes a lot of trouble. When we go to a civil court, it states that the administrative court has jurisdiction to judge a case. When we go to the administrative court, it states that civil law courts have jurisdiction. This results in very delicate and complicated procedures.

Andras Lederer : Independent watchdog organisations have very limited options in the oversight of the functioning of secret surveillance by national security agencies. This is particularly true in Hungary. We submitted a Freedom of Information request with regards to all secret surveillance authorised by the Ministry of Justice between 2017 and 2021 but have received partial answers. Most of our questions were denied.

The agency submitted 6129 requests from 2017 until the end of September 2021. The Ministry of Justice refused to inform the Civil Liberties Union on the number of the denied requests and the number of requests for prolongation on the grounds that this is classified information.. In addition, even though the national security law exclusively authorises the Minister of Justice to exercise the power of authorisation, the Minister of Justice established a delegation procedure under its own structural and operational rules as a result of which the Minister delegated such power to undersecretaries during this period of time. According to the Ministry of Justice, there is no explicit delegation of power. As it is not written or there is no formal decision, it is unclear how the Minister designates the undersecretary in question and there is no posterior assessment on the delegation itself.

The Ministry of Justice also revealed that the requests by the National Security Organization do not contain any description of applicable technology. The authorisation of secret surveillance are therefore granted without evaluating the level of intrusion into the private lives. This is quite problematic and it is difficult to justify why such aspect is lacking from the decision making process.

To conclude, the Civil Liberties Union managed to receive partial information but enough to show that there are major contradictions within the Hungarian system.

Aron Demeter : The main role of Amnesty International in the whole *Pegasus* scandal started as a matter of technical assistance. Amnesty provided forensic analysis and confirmed in many cases that the devices had actually been infected with the *Pegasus* spyware. Amnesty International did so in many countries in Europe. We also provided an open source software to enable people to check whether their device had been infected with the spyware or not. But we came to the spotlight last year because we had a rather strange letter of exchange with the National Data Protection Authority. Mr. Péterfalvi, the President of that authority

reached out to us and demanded a listing of the more than 300 Hungarian nationals who were supposedly on the list. We replied that we did not have such list, that we never did. We advised him to ask it to the government given the accusations of unlawful secret surveillance on Hungarian nationals. He refused to do that. So he wrote another letter to us demanding the list and he basically said that we will be held accountable if we are not providing such list. We replied back that we still did not have the list. This went on for a while until we saw in his final report, which was released end of January last year, that actually he blamed us for not being able to conclude his investigation, though he was however able to conclude that everything was lawful. There is a slight contradiction there.

I would like to point out that, in that same report, the President of the Data Protection Authority actually implied that there is a suspicion that third parties committed crimes ranging from espionage to a breach of personal data, whether these so-called third parties were the journalists who broke the story or the NGOs who actually covered it, that's still a question.

And the report says that the Data Protection Authority initiated investigations against such third party. We had a slight assumption that probably Amnesty is one of these third parties since we were mentioned 55 times in a 60 pages long public report. But, we still haven't heard from the authorities regarding such investigation. This point is rather just to strengthen that this is not simply a secret surveillance issue, but also a rule of law issue. There will always be governments who will unfortunately use unlawful tactics on people. And this is exactly why we need independent authorities. And Hungary doesn't have any. Neither the Data Protection Authority nor the Ombudsman or the incapable committees in the Parliament are able to provide any meaningful check on the executive power. This is why Amnesty is calling on a moratorium on the use and sale of spyware. It also calls for a ban on highly invasive spyware such as Pegasus, because using Pegasus can never be justified under human rights standards.

Balazs Toth : We now have a clear evidences that secret surveillance is not a hypothetical and distant probability but an actual practice of the Hungarian state. And it is clear because it is a public position of the Hungarian government that NGOs who are being either critical of the government or financed by George Soros in any way pose a national security danger and should therefore of course be surveyed.

So we are convinced that we should continue with this issue. That's why we offered legal representation to everyone who is working at NGOs, affiliated in any way to George Soros or critical with the present government or who have been named by the present government in their public statements as posing a national security threat.

They have offered free legal representation before the European Court of Human Rights as well. There are more than 30 people who have submitted the application to the European Court of Human Rights. We have not received any concrete answer yet. So, I can say that the cases are still ongoing.

Jeroen Lenaers : Thank you for sharing that personal perspective. I think we're very much

looking forward to hear more about that.

You brought the case for the European Court of Human Rights in summer. You haven't received a concrete answer yet. I assume that you have at least received a formal answer yet. Is there a procedural reception, confirmation of reception? Is this normal in the European Court of Human Rights to take more than seven months to reply ?

Dalma Dojcsak : Unfortunately, it's normal.

Sophia In't Veld : I totally agree with you that the use of spyware is never to be seen in isolation. Spyware is a tool in order to achieve a goal, and the goal is to empower or oppress dissenting voices, etc.. So it's part of the system, really. And it's not just a threat for the rule of law, but for democracy.

Just two questions in random order : there are different cases, which have been launched or which are in the pipeline and pending in other countries, EU countries (Greece, Spain, Poland), but also non EU countries. Have you joined forces with those other lawyers because the cases are very similar? You may exchange legal arguments or joint cases. I can see that if you're taking cases through to Strasbourg, for example, that it would be interesting to join the cases. I'm very interested to hear about your experiences with your complaint with the European Commission, which got the usual European Commission reply saying "*Oh, you know, please don't look at us*". The Commission hiding under the desk or behind the curtains, trying to be invisible. This is the usual Commission reply : "It's not our business. We're not responsible. Talk to your national authorities". This is what they always say.

Would it be possible for you to share the correspondence you've had with the European Commission on this ? I would be very interested in that. Have you considered bringing a case before the European Ombudsman over inertia of the European Commission ?

Mr. Hüttl, you said that the requests for surveillance authorisation do not contain information on the technology to be used. This is a complaint we've heard in other countries as well. Requests for surveillance are submitted to judges. Have they never asked additional information ? Do they just sign anything that is put before them?

Juan Ignacio Zoïdo : I'd like to share with you the impression that I had after being here for a day and a half, and that is I get the impression that the state apparatus is coordinating its efforts to investigate citizens and use this via very invasive surveillance mechanisms like Pegasus. What in your perception is the effect on Hungarian civil society of the *Pegasus* scandal and the use of other types of spyware? What kind of impression is this creating now that there is an awareness of this very invasive violation of fundamental rights ?

Sandor Ronai : The Data Protection authority conducted an investigation and they published a report of more than 60 pages, the quality of which is quite questionable. I would like to ask you, why were you involved in this investigation, apart from this exchange of letters that you have mentioned? Did the authority for Data Protection turn to you with concrete questions, or how did they try to involve you in the investigation?

The Committee on National Security has the power to conduct investigations. Could you tell

us how many people contacted you, how many possible victims of *Pegasus* contacted you ? I would like to know how many people you are representing and how many of those have been proven guilty ? Do you know how many times the Committee on National Security in the Parliament used its powers to conduct an inquiry? How many times have they invited people ? We did speak to quite significant victims. Still, the Committee on National Security has never invited them. Do you know whether out of these 300 plus people the Committee on National Security spoke to ?

Roza Thun und Hohenstein I will ask the question which probably the regime journalists keep on asking : who finances you? We are financed by Soros, as we heard yesterday from the Minister of Justice... Are you too? It's not that I necessarily find that the finances of Soros are wrong because we have a battery foundation in Poland, founded in the beginning by Soros, and doing a tremendous work for democracy.

Gilles Lebreton : Thank you to you for being here. Could you explain to us what, what strategy you have in front of European Court of human rights? Then I had a question on the work of the members of the Parliament. What is coming out of the Parliament in general on all of this?

Gwendoline Delbos-Corfield : Mr. Rempert mentioned a situation where the case is rejected by the administrative court and also then rejected by the civil court. It's a kind of back and forth and it sounded as if there was no solution in law. We have what we call a sort of concept, and that judge is responsible and has authority in that kind of situation to determine which.

How is this system working in Hungary ?

Mr. Hüttl : In Hungarian law, do you have legislation that specifically defines which people can give this authorisation ? Is that only State Secretary? Or more people, a broader circle of people ?

Lukasz Kohut : I have only one question regarding the level of legal remedies intended for the victims. I'm aware that the situation is very bad, but do you see any possibility of creating remedies at the EU level ? What can we do, in your opinion, as legislators, in order to ensure more assistance for the civil society in Hungary ? What kind of European involvement is necessary right now to stop this illegal infiltration in your country ?

Jeroen Lenaers : Thank you. So, as I promised you, lot of questions...

Dalma Dojcsak : Maybe it's a good idea to start with the finances-related question. We didn't receive any State funding. We don't receive any money from the government, this one or any previous governments, and we receive core funding from big international human rights organizations and the European Union as well. We receive project funding and we have we receive one third of our funds from Hungarian individuals who donate to the organization and donate to the cause. And we are very proud of that. This shows support from the Hungarian

society and Hungarian people to our work.

I would like to talk about the effect of the Pegasus scandal on the Hungarian society, the scheme I already talked about that the government is able to exercise its influence through pro-government media. It can dictate the issues that are included in the national discourse and the political discourse. In addition, those people who get their information from pro-government media, they basically never heard about *Pegasus*. In addition, these are millions of people who don't have an opinion about it because they don't have access to this kind of information. Those people who are critical of the government and follow independent media outlets, they were upset by the *Pegasus* scandal. However, I would say that it is very technical issue and the legal problem is very obscure for most of the people to understand. It is even difficult for us to explain it in a tangible way. We suffer from this every day when we want to talk about *Pegasus* to the public. I would say that the scandal didn't really shake the core of the Hungarian society. It did not even reach the level of understanding for many people.

We don't know about the involvement of the Prime Minister, but as my colleagues already said, we don't really know about the details of the decision making of the use of Pegasus or secret state surveillance in general. This is a well-kept secret. If and when the Prime Minister is involved in it is not a publicly available information.

We see that our calls have been heard by the European Union. What we suggest and urge is that these obvious violations of the Charter of the Fundamental Rights are processed at the European Union level. And we suggest that the legislation concerning secret state surveillance be changed and that this amendment of the legislation be considered as an enabling condition to meet EU standards and access to funding. Because what we see is that the only pressure that could be useful to motivate the Hungarian government to amend any legislation is to tie it to money, to European Union funding. So that's the only tangible way of enforcing fundamental rights in Hungary.

Adam Remport : I would like to reply to Ms In't Veld because you asked whether the proceedings that have already launched can still be stopped. I think that these procedures are being followed through. They are just not effective.

We have joined an international coalition and we did cooperate and do cooperate, in fact, right now with an Israeli lawyer who you have talked to. More specifically on your question on international cooperation, I think that there is a difficulty, which is that these countries have completely different legal systems and that such a coalition would be rather useful for advocacy and before the EU.

As for the correspondence with the European Commission, we can definitely share this. And as for the EU Ombudsman, we have thought of it. We haven't done it yet because we are actually doing quite many things. But we are planning to do that as well.

Regarding the questions on whether the state apparatus coordinates to surveillance of citizens, we do see instances of a surveillance state being built. I don't know if you have heard of the so-called Project *Dragonfly* or *Sita* project in Hungarian, which is a centralised system of all

police motorway and private cameras. Almost all security cameras are recorded in one central database and without any guarantees that facial recognition system or other kinds of surveillance methods are not going to be illegally used. We believe that could also be in the future a powerful tool for surveillance. So I would say that, I see a tendency, although it is a kind of tendency that can not be exactly proven.

In reply to your question on whether state institutions give support for victims : they do not. I think that the exact point of their surveillance was to harm them and not to give them support. And in all of our procedures, we see that the State fails to give them any kind of remedy.

As for the role of the Prime Minister, we do not know and we do not have any details. But it would be hard to imagine that he doesn't know of anything on such an important surveillance operation going on in the country.

Six of our clients have lodged complaints with the National Security Council. In one case, no investigation was lodged at all. And in the other cases there were investigations, which of course found that the workings of the national security services did not breach any kinds of law or did not violate any rights at all. Our clients were not invited to these hearings. And since the hearings are completely classified, we cannot know whether, for example, officers of the national security services were themselves heard, whether the heads of the security services were heard. We don't know what happens at these hearings at all.

Tivadar Hüttl : I was asked whether the judges, when they are operating within the framework of the National Security Act, do have the same kind of procedural ? We don't know because we haven't filed the request for the justice system in that terms.

We assumed that *Pegasus* wasn't used in that framework but in the framework of national security. And, as such, when it's exclusively about national security, then it's a political decision which belongs to the Minister of Justice.

As for the delegation of powers of the Ministry of Justice, he delegates his powers in case of hindrance, whether he's abroad or he's ill or whatsoever incapacitated. And he can delegate only to his own undersecretaries. There are two undersecretaries specified in the regulation on the structure and operational rules of the Ministry of Justice: the undersecretary responsible for political affairs and the undersecretary responsible for political affairs. Who decides? It is not clear. But when? When there is a case of hindrance, it is a duty.

The Minister of Justice said that they receive two or three requests from national security agencies on a daily basis. So it's basically an everyday question. And they sometimes have to decide very urgently, some other times within eight days. It is pretty likely that a huge majority of cases were decided by the undersecretaries. The major problem with this is that is not regulated in a law adopted by the Parliament. This delegation doesn't have any legal basis.

Jeroen Lenaers : Thank you, first of all, for taking so much time to be with us today and for answering all our questions. But thank you, most of all, also for the work that you do in Hungary. I have to say, I don't think we're going to leave Hungary with a very optimistic view of the situation here. But I think the main hope that we have is in the fact that there are still independent civil society organizations at work in Hungary, that there are still some independent media organizations at work here, and that it's also an assignment for us, in the

European Parliament and in the European Union as a whole. We received some criticism for not doing enough to make sure that at least those independent organizations that are still working in Hungary can continue to work. So in that sense, we really thank you for the work you do. I really hope that we can continue our cooperation also in the future. And I think what you said is very important. *Pegasus* and the illegitimate use of spyware not only have an impact on the direct targets of the surveillance operation, but it also have a much wider impact on the work of lawyers, journalists, on self-censorship and the society as a whole,.. And I think that's something that we are very much looking into also in our Committee because that's a very important aspect. We heard people saying that is not about information gathering as much as about intimidation. That it is part of an intimidation strategy by the government. And I think that those are aspects that we should not let out of sight. So, once again, thank you very much.

Conclusions

The fact-finding mission allowed the PEGA Committee Members to take stock of the situation in Hungary and to discuss reports of surveillance through a series of fruitful meetings.

The PEGA Delegation had the opportunity to engage with several relevant stakeholders, including the Hungarian National Assembly's Committee on National Security, the President of the National Authority for Data Protection and Freedom of Information, individuals targeted with spyware, journalists, the owner of the Central Media Group as well as representatives of the Hungarian Helsinki Committee, the Hungarian Civil Liberties Union and other NGOs.

This fact-finding mission, like previous visits to Israel, Poland, Greece and Cyprus was essential as the PEGA Committee is gathering elements to formulate recommendations for what Member States and the EU should do next to protect people's rights to privacy and private communications, along with other fundamental rights.