

## **Government Decree 181/2020 (4 May)**

### **on the electronic monitoring of official home quarantines ordered with respect to the human epidemic endangering life and property and causing massive disease outbreaks**

The Government,  
acting within its original legislative power laid down in Article 53 (2) of the Fundamental Law, having regard to the provisions of Act XII of 2020 on the containment of coronavirus,  
acting, with respect to section 5, within its original legislative power laid down in Article 53 (3) of the Fundamental Law, on the basis of authorisation by the National Assembly under section 3 (1) of Act XII of 2020 on the containment of coronavirus,  
acting within its function laid down in Article 15 (1) of the Fundamental Law,  
decrees as follows:

**Section 1** (1) Compliance with the rules relating to official home quarantine under Government Decree 81/2020 (1 April) on extraordinary measures relating to the state of danger declared for the protection of health and lives and for the restoration of national economy (hereinafter “the Decree”) (hereinafter “official home quarantine”) shall be monitored by the organ established to carry out general policing tasks (hereinafter “the police”).

(2) The epidemiological authority shall order that compliance with the rules relating to official home quarantine be monitored by using an electronic software suitable for tracking the movements of, and for transferring the facial image of, and the health data provided by, the adult concerned having capacity to act (hereinafter “software”), provided that the adult concerned makes a statement on the following:

- a) the requirements for installing the software are met, he has the appropriate device, and
- b) he volunteers to install and use the software.

(3) To obtain the statement under paragraph (2), the epidemiological authority may ask for the assistance of the police.

(4) Before the person subjected to official home quarantine makes a statement under paragraph (2), the epidemiological authority

a) shall inform him of the voluntariness of the installation and use of the software, as well as the requirements for installing the software, the benefits of using the software and the obligations connected to it, and

b) shall advise him that a failure to install or use the software after making a voluntary statement under paragraph (2) qualifies as an infraction,

c) shall advise him that if he does not make a voluntary statement under paragraph (2), monitoring will be carried out in accordance with paragraph (7), and the amount of the fine to be imposed for violating the rules relating to official home quarantine may be higher.

(5) The police shall, particularly in an electronic way, monitor the fulfilment of the obligation to install and use the software; to this end, the person making a statement under paragraph (2) (hereinafter “the person concerned”) shall be obliged to cooperate with the police and to perform operations with the software as required by the police. The police may compare the movement data provided by means of the software against the data of the location designated for official home quarantine also in an electronic way. Monitoring may not entail the unnecessary disturbance of the privacy of the person concerned; the rest of the person concerned may not be disturbed without reason between 10.00 p.m. and 6.00 a.m. Personal monitoring may take place only if there is a suspicion that monitoring by the software was circumvented or if the person concerned fails to use the software.

(6) As soon as the official home quarantine terminates, the person concerned shall delete the software, and the police shall terminate the monitoring under paragraph (5) of the person concerned.

(7) If the person subjected to official home quarantine does not make a statement under paragraph (2), compliance with the rules relating to official home quarantine shall be subject to reinforced monitoring in person by the police.

**Section 2** (1) The police shall notify without delay the epidemiological authority of any violation by the person concerned of the obligation to install and use the software.

(2) For an infraction under section 5 (2) of the Decree committed by the person concerned, by way of derogation from

a) section 5 (3) of the Decree, the lowest amount of fine to be imposed shall be three thousand forints, while its highest amount shall be three hundred thousand forints, and

b) section 5 (4) of the Decree, a reprehension may also be applied in place of imposing a fine; by way of derogation from section 100/A of Act II of 2012 on infractions, infraction procedure and the infraction records system, the police may apply a reprehension even in the absence of an on-the-spot measure, and may communicate it also in an expedited manner.

**Section 3** (1) For the identification of the person subject to official home quarantine, the epidemiological authority and the police shall be entitled to process the facial image of the person concerned.

(2) For verifying identity, the epidemiological authority and the police may, if necessary, compare the image taken, and transferred through the software, by the person concerned against the last facial image of the person concerned stored in the personal data and address register, passport register and the driver's licence register.

(3) For monitoring compliance with the rules relating to official home quarantine, the epidemiological authority and the police shall be entitled to process the movement data of the person concerned, transferred by the software.

(4) For performing its tasks under this Decree, the police shall be entitled to process the natural identification data and contact data of the person concerned, as well as his health data related to COVID-19 infection or a suspicion of it, transferred by the software; furthermore, the police shall be entitled to transfer these data to an organ specified by law.

(5) Unless a law sets a longer time limit, the epidemiological authority and the police shall process the data referred to in paragraphs (1) to (4) until the end of a period of 60 days after the official home quarantine terminates.

**Section 4** (1) With the exception specified in paragraph (2), this Decree shall enter into force on the third day following its promulgation.

(2) Section 5 shall enter into force on the seventeenth day following the promulgation of this Decree.

**Section 5** The Government extends the temporal scope of this Decree until the end of the period of state of danger under Government Decree 40/2020 (11 March) on the declaration of state of danger.

**Section 6** Subject to the conditions specified in section 1 (2), the epidemiological authority may order the use of the software also with respect to an official home quarantine ordered before the entry into force of this Decree.

**Section 7**

**Section 8**