

## Customer Information

### providing data on how to use a criminal data request form

#### ÁNYK forms included in the Information

Case group: Criminal administration

Identifier	Title of form
BE-0001	Adatszolgáltatás bűnügyi adatkérésre
	Providing data on criminal data request

The Information is effective as of 31.05.2019.

#### Legislative background

##### ONLY SAMPLE

- Act LXXXVIII of 2013 on the arrest warrant record system and the search for and identification of persons and things
- 63/2013. (XI. 28.) Minister of Interior decree on the communication of data to certain registers of the arrest warrant system and on the detailed rules for conducting the arrest warrant procedure as well as on amending certain ministerial regulations.

#### Brief description of the case

##### ONLY SAMPLE

The police issues an arrest warrant in order to determine the whereabouts of a missing person whose disappearance has been reported at the police.

For issuing the arrest warrant the person in an unknown place shall be regarded missing if:

- the circumstances of the disappearance, the data on his lifestyle, occupation and other personal circumstances suggest that his disappearance - except for the accused - is related to the commission of a crime;
- he is incapacitated or disabled in a limited way and not able to take care of himself for health, age, or other reasons,
- no reasonable explanation for his disappearance taking into consideration his lifestyle, personal circumstances and occupation can be given,
- his disappearance is related to a natural disaster, suicide, or
- his disappearance is related to an external impact on the human body that has occurred independently of the will of the injured person.

The arrest warrant shall be issued immediately after the notification or official perception about the person's disappearance.

There is no legal remedy against issuing the arrest warrant.

The authority issuing the arrest warrant shall not inform the notifier, in the absence of a legal authorization to do so, about:

- issuing the warrant
- procedural actions during the searching process, and
- the applicant shall not have legal access to the arrest warrant records, and no copies of them can be requested.

The authority appointed to conduct the arrest warrant procedures aiming at the search of the missing person shall be the police office in charge of the jurisdiction where the missing person has

- his declared place of residence,
- in the absence of a declared place of residence, a declared dwelling place
- in the absence of a declared place of residence or dwelling place, the last known place of residence or dwelling
- in the absence of any of the above, the place of residence or the seat of the institution of the person who makes the notification about the missing person; in the absence of this, the police station of the place of notification shall be competent.

When determining the competence of a police authority conducting an arrest warrant procedure in relation to a minor in an unknown place, the above rules shall apply to the adult who is in charge of the minor's supervision.

In the case of a minor who is in an unknown location, has been previously placed in a temporary place of residence or for education, the above-mentioned place of custody shall be used for determining the competence of the police body conducting the arrest warrant procedure.