

Association of Hungarian PhD and DLA Candidates

Legal aid service rules

The Preamble

The Association of Hungarian PhD and DLA Candidates (hereinafter: DOSZ) in accordance with Section 63(2) of Act CCIV of 2011 on national higher education, represents students participating in doctoral studies in Hungarian higher education institutions. Pursuant to Section 2(1)(a)(ae) of the DOSZ Articles of Association, the organization operates a continuous legal assistance service for doctoral students. On the basis of the authorization referred to in Section 2(1)(a)(ae) of the Articles of Association, the Delegation's Assembly shall establish the following rules for the operation of the Legal Aid Service.

Chapter I

General provisions

1. Scope of application

Section 1 (1) The personal scope of the Rules shall apply to all officers, employees and agents of DOSZ, as well as the Legal Aid Service (hereinafter referred to as: services) to natural persons.

(2) The scope *ratione materiae* of the regulation covers the service.

Chapter II

Use of the service

1. Categories of persons entitled to use the service

Section 2 (1) A person who is a doctoral student or a doctoral candidate in any higher education institution in Hungary is entitled to receive the service.

(2) Those who apply for doctoral training at any higher education institution in Hungary are also entitled to receive the service.

(3) A natural person who has obtained an *absolutorium* in the doctoral program, but has not yet defended his or her doctoral thesis in the form of a public debate, is also entitled to receive the service.

2. Subject of the service

Section 3 (1) The service is available

- a) in any legal issue closely related to the doctoral training and
- b) any other legal issue related to the doctoral training.

(2) For the purposes of this Section, a legal question is closely related to the doctoral training in particular if it relates to legal issues and problems regarding

- a) the rules for applying for doctoral training,
- b) the rules governing the doctoral student's legal status,
- c) the rights of the doctoral student during his or her studies,
- d) questions related to the financing of studies, and
- e) rules of administration.

(3) For the purposes of this Section, a legal question is related to the doctoral training is, in particular, if it is a legal issue or problem arising from, or related to, any other activity involving a doctoral student.

(4) If the incoming question is not, or is not closely related to the doctoral training, the service may offer to forward the question in to an attorney or a law office. Answering the question in this case is based on the contract between the attorney or law office and the inquirer.¹

(5) The DOSZ does not guarantee a response in the case specified in paragraph (1)(b) and (4).

3. How to use the service

Section 4 (1) The service may be used by filling in an online form available on the website of the DOSZ "Legal Aid Service" (<http://www.dosz.hu/jogsegely>).

(2) The service can also be used in the form of an e-mail sent to the e-mail address of the Legal Aid Service (jogsegely@dosz.hu).

(3) If the inquirer wishes to use the service on the phone, the Legal Aid Services applies Section 3 para (4).²

¹ Ammended by 11/2023. (VI. 28.) resolution of the Assembly, the amendment is effective from 29 June 2023.

² Added by 11/2023. (VI. 28.) resolution of the Assembly, the ammendment is effective from 29 June 2023.

4. Fee of the service

Section 5 Use of the service is free of charge.

Chapter III Rules for the provision of the service

1. Categories of persons entitled to provide the service

Section 6 The service may be provided by an elected member of the Board of DOSZ, an appointed lawyer or a law firm.

2. Content of the service

Section 7 (1) In the framework of the service, an elected member of the Board of the DOSZ shall provide information on the applicable legislation in the individual case and on the experience gained in the application of these laws in the organization.

(2) The service does not cover

- a) legal advice,
- b) to draw up documents, and
- c) legal representation.

(3) The service does not qualify as legal practice within the meaning of Section 2(1) of Act LXXVIII of 2017 on Legal Practice.

(4) If the service is provided by a lawyer or a law firm, it may qualify as legal practice within the meaning of Section 2(1) of Act LXXVIII of 2017 on Legal Practice and may also cover the activities referred to in Section 7(2) of the Rules.

3. Time limit for the provision of services

Section 8 The time limit for the provision of the service shall be 14 days from the date of receipt of the question in any manner specified in Section 4 of the question.

4. Limitation of liability

Section 9 (1) The DOSZ and an elected member of the Board of Directors of DOSZ shall not

be liable on the basis of the use of the service, for decisions taken by the recipient of the service.

(2) If the service is provided by a lawyer or law firm, and it qualifies as legal practice within the meaning of Section 2(1) of Act LXXVIII of 2017 on Legal Practice, the lawyer or law firm providing the service shall be liable for damages or restitution arising from the legal practice.

Chapter IV **Data protection and confidentiality**

Section 10 (1) About the use of the service, the DOSZ shall publish a Privacy Policy, which shall contain the mandatory information specified by law in relation to the personal data processed during the use of the service.

(2) The Privacy Policy is available on the DOSZ website (www.dosz.hu).

Section 11 In the case of the provision of services by a lawyer or law firm, the service provider shall be bound by the obligation of confidentiality in accordance with Act LXXVIII of 2017 on Legal Practice.

Section 12 In the course of the provision of the service by an elected member of the Board of the DOSZ, the person providing the service shall be bound by a duty of confidentiality in respect of all facts, information and data of which he/she becomes aware during the provision of the service, which shall remain permanent after the service has been used.

V. Final provisions

Section 13 (1) The Rules were adopted by the Delegation's Assembly of DOSZ at its meeting held on 14 September 2020 by Resolution No. 50/2020 (IX.14.).

(2) The Rules enter into force on 15 September 2020, at the same time all regulations issued on the same subject matter expire.

Budapest, 14 September 2020.

Daniel Molnár
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CLAUSE

The First Amendment of these Rules is adopted by 11/2023. (VI. 28.) resolution of the Assembly of the Association of Hungarian PhD and DLA Candidates held on 28 June 2023. The amendments are effective from 29 June 2023.

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