



**CENTRUL NAȚIONAL PENTRU PROTECȚIA DATELOR
CU CARACTER PERSONAL AL REPUBLICII MOLDOVA**
NATIONAL CENTER FOR PERSONAL DATA PROTECTION
OF THE REPUBLIC OF MOLDOVA



03-09/

Chisinau, ___ October, 2017

Dear Ms. Soňa PÓTHEOVÁ,

On behalf of the National Center for Personal Data Protection of the Republic of Moldova (NCPDP) I have the honour to convey my cordial greetings and refer to the following.

In the context of internal developments and debates in the Republic of Moldova, the topic of depersonalization of judicial decisions has become a point of contention in society.

Thus, in the Republic of Moldova the entire judicial system (the courts of first instance, the courts of appeal and the supreme court of justice) is publishing judgments on an electronic database that is publicly available in the online space and which is accessible to the general public through its search engine. The judgments are fully exposed, without being depersonalised, including those related to sexual abuse, etc. Moreover, they are exposed publicly without any time limit.

In the context that the Republic of Moldova is part to the Council of Europe Convention 108 and the national law transposes Directive 95/46 / EC and has undertaken to transpose at national level the European principles and practices of personal data protection, following the conclusion of the Association Agreement with the European Union, the CNPDCP intervenes respectfully with the following series of questions to integrate EU member states practice into the national context:

1. In your country, are courts decisions published online by all judicial instances?
2. Are the court decisions depersonalized or published in their entirety, with the name, surname, domicile address etc. of the parties?
3. Is it possible to search the online database of court decisions by name and surname of the parties?
4. Are there cases when the published court decisions include the name, surname of a sexually abused person including minors, data that would constitute state secret, health / medical data, medical secret data, religious or political views ?
5. What is the time limit for storing these court decisions and are they being erased after a certain period of time?
6. If a party to the trial would require depersonalizing personal data from a decision, would the court be required to remove the personal data?
7. Are annulled judgments displayed online? In what cases they are removed?
8. Do journalists, scientists, lawyers in your country have online access to all court decisions without being depersonalised? From your perspective, would it be compatible with the principles of personal data protection to grant online access to court decisions

that were not depersonalised to these professional categories, invoking the right of access to information?

9. In the context of the General Data Protection Regulation 679/2016, the publication of un-depersonalised judgements would be considered an offence?

10. Does your national legal framework permits/obliges the publication of court decisions in integral or depersonalised form ?

11. Are you aware / do you have any experience with similar cases involving publication of court judgements?

12. Has your authority issued any sanctions in relation to the courts? If so, how did the court react to or execute the sanction?

13. There is a private database that would publicly contain information about judges, with their resumes, the administrative penalties imposed, and systemising any media information about them (on the model - www.magistrat.md)?

We are grateful for your cooperation and taking into account the sensitive nature of this question and the limited time for intervention, the NCPDP would appreciate, if possible, a prompt reply to the questions from above.

Respectfully,

Director

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