

Organic Law of Georgia

on Amendments to the Organic Law of Georgia on Common Courts

Article 1. The following Chapter I¹ shall be added to the Organic Law of Georgia on Common Courts (Legislative Herald of Georgia, No41, 08.12.2009, Art. 300):

„Chapter I¹ Issuance of the Texts of the Judicial Acts in the Form of Public information

Article 13³. Scope of this Chapter

1. This chapter regulates the protection of a person's private life whilst issuing acts adopted due to open court sessions in the form of public information.

2. For this Chapter, a judicial act is a final decision or decision by which the case is not substantially resolved, rendered by the Common Courts of Georgia in the course of proceedings.

3. For this Chapter, the full text of a judicial act is the text of a judicial act in the form in which it was rendered by the court.

4. For this Chapter, the full and partial depersonalization of the text of a judicial act shall mean, therefore, a modification of the full text or part of a judicial act in such a way that it is impossible to relate it to the relevant person or establish such a connection. The technical standard for depersonalization of a judicial act is determined by the High Council of Justice.

Article 13⁴. Availability of the Judicial Acts

1. The full text of the judicial act is open. Everyone has the right to request and receive the full text of the judicial act. The court, on its initiative or at the request of a person concerned, is authorized to decide on the full or partial depersonalization of a judicial act if:

A) The subject of personal data is a minor;

B) The text of the judicial act contains information related to the health condition, sexual life, recognition as a victim of a crime or as a person affected;

C) The substantiated written request submitted per Article 13⁶ of this Law has been satisfied.

2. Depersonalization of a judicial act or its relevant part is disallowed if the subjects of the personal data express consent per Article 13⁵ of this Law to release their data in the form of public information.

3. Under paragraph 1 of this article, the court has the power to decide on the full or partial depersonalization of a judicial act if, in assessing specific circumstances, the court concludes that the interest in protecting the privacy of the personal data subject outweighs the compelling constitutional interest in judicial transparency.

Article 13⁵. The Will of the Personal Data Subject

1. Before adopting a judicial act, the court shall determine the will of the persons concerned about disclosing their data in the form of public information. The subjects of personal data are entitled to consent, refuse, or not to take a position regarding the release of their data in the form of public information.

2. It is considered that the person does not consent to disclose his/her personal data in the form of public information if the person refuses to disclose such data, or does not state his/her position or the will of the subject cannot be clarified and/or requires special efforts to detect it.

3. The court shall inform the personal data subjects that they have the opportunity to exercise the right provided for in Article 13⁶ of this Law. The procedure for notification shall be determined by the High Council of Justice.

4. The court shall decide on the issue of the depersonalization of the judicial acts per paragraph 3 of Article 13⁴ of this Law, if the will of the person whose personal data is reflected in a judicial act cannot be clarified and/or detection requires special efforts.

Article 13⁶. Substantiated Written Request of the Personal Data Subject

1. A personal data subject has the right to apply to the court with a substantiated written request and demand the protection of their personal data in a judicial act. The request must contain motivation regarding the damage to the privacy of the data subject by issuing relevant data in the form of public information. Failure to substantiate the motion may become grounds for the dismissal of the request.

2. The court shall consider the written request within 2 weeks and issue a reasoned ruling on the full or partial depersonalization of the act or the grounds rejecting the request. If requested, the court is authorized to set a deadline for the data subject to submit a written request, which should not exceed two weeks.

3. The subject of personal data is entitled to appeal against the ruling provided for in paragraph 2 of this Article before it enters into force. An appeal suspends the entry into force of the ruling before the appeal is heard, but not for more than 1 month. The complaint will be considered within 1 month after its submission. Unless otherwise determined by this Chapter, rules of the Civil Code of Georgia about admissibility and procedure for reviewing complaints subject to a time limit shall apply to the rules for filing, reviewing, and deciding on the complaint provided for in this paragraph.

4. The ruling provided for in paragraph 2 of this Article may be revised at any time after it enters into force if the circumstances have changed substantially. In case of registration of a request for review, the court is authorized to suspend the ruling. The revision request shall be considered per the rules outlined in paragraphs 2 and 3 of this Article.

Article 13⁷. Receiving the Judicial Act as a Public information

1. A person may apply to the court that rendered this judicial act or, if the said court has been liquidated, to another relevant court operating in its former jurisdiction, to receive the full or partially depersonalized text of the judicial act in the form of public information.

2. Unless otherwise provided by this Chapter, the full text of the judicial act shall be issued per Chapter III of the General Administrative Code of Georgia.

3. If the reason for non-disclosure of public information is a ruling rendered by a court under this Chapter, that ruling shall be served on the public information

requester. A person requesting public information is entitled to file a substantiated motion and request a review of it per the procedure set by Paragraph 4 of Article 13⁶ of this Law.

Article 13⁸. Availability of the judicial acts adopted before 1 January 2022

1. Before July 1, 2022, any natural person is entitled to apply to the High Council of Justice or the relevant court with a substantiated written request and demand protection from the issuance of his/her personal data in the form of public information reflected in the judicial acts adopted before January 1, 2022. The request must meet the conditions set forth in the first paragraph of Article 13⁶ of this Law. The written request shall be resolved by a court with a reasoned ruling following Paragraph 3 of Article 13⁴ of this Law. The rules established by paragraphs 3 and 4 of Article 13⁶ of this Law shall apply to the appeal and revision of a court ruling.

2. A person has the right to apply to a court at any time and request to receive fully or partially depersonalized text of a judicial act adopted before January 1, 2022, in the form of public information. The court shall provide the requested information if:

- A) the court has already decided on the issue of availability of the requested act per the first paragraph of this article;
- B) there is no registered substantiated written request of the data subject;
- C) the data subject is a former/current public official and/or a candidate for an official and the judicial act does not contain the information provided for in subparagraph “b” of paragraph 1 of Article 13⁴;
- D) The requests submitted following the first paragraph of this article shall be decided by July 1, 2023. In case of non-submission of the request, the issue of availability of the acts adopted before January 1, 2022, shall be resolved under the first paragraph of Article 13⁴ of this Law.

Article 2.

By January 1, 2022, the High Council of Justice of Georgia shall adopt the relevant legal acts defined by the Organic Law of Georgia on Common Courts provided for by this Law and take other necessary measures.

Article 3

1. This Law, except for Article 1, shall enter into force upon its publication.
2. Article 1 of this Law shall enter into force on January 1, 2022.

President of Georgia

Salome Zurabishvili