

## **Organic Law of Georgia**

### **on Amendments to the Organic Law of Georgia on Common Courts**

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

#### **“Chapter I<sup>1</sup>. Availability of Judicial Acts in Common Courts**

##### **Article 13<sup>3</sup>. Scope of this Chapter**

1. This chapter regulates the protection of a person's private life whilst issuing judicial acts in the form of public information.

2. For this Chapter, a judicial act is any act adopted by a common court in the course of proceedings. For the purposes of this chapter, a dissenting opinion of a judge is considered a judicial act.

##### **Article 13<sup>4</sup>. Availability of the Judicial Acts**

1. Judicial acts are open. Everyone has the right to request and receive the full text of the judicial act. Restriction of this right is only allowed in the cases prescribed in this Chapter and per the established procedure. A judicial act containing personal data may not be issued if:

- A) The act has not been adopted as a result of an open court session;
- B) The subject of personal data is a minor;
- C) 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;

D) The substantiated written request submitted per Article 13<sup>6</sup> of this Law has been satisfied.

2. The issuance of the information prescribed by subparagraphs (a) to (d) of paragraph 1 of this Article shall be permitted if there is a special public interest in the relevant act, the existence of which is substantiated by a public information requester.

3. To receive the judicial act in the form of public information, 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. A judicial act shall be issued per the rules established by Chapter III of the General Administrative Code of Georgia unless otherwise provided by this Chapter.

#### **Article 13<sup>5</sup>. Consent to the Disclosure of Personal Data**

1. Any natural person has the right to apply to a court and request that his/her data is open to the public. Refusing the issuance of the judicial act on the grounds of protecting the data of that person is disallowed. The person is entitled to withdraw the consent stated in this paragraph.

2. The rules for exercising the right provided for in paragraph 1 of this Article shall be established by the High Council of Justice.

#### **Article 13<sup>6</sup>. Substantiated Written Request for Personal Data Protection**

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 1 month. The court is authorized to adopt a temporary rule for ensuring availability to the relevant judicial act. The decision provided for in this paragraph shall be appealed in court.

3. 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 increased constitutional interest in judicial transparency.

### **Article 13<sup>7</sup>. Protection of Personal Data in Acts Adopted Before January 1, 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 outlined in the first paragraph of Article 13<sup>6</sup> of this Law.

2. Written requests under this Article shall be decided by a court before May 1, 2023, in accordance with Article 13<sup>6</sup>.

3. Before the expiration of the term provided for in paragraph 1 of this Article, as well as before the decision on the registered written request provided for in the same paragraph has been made, the issue of availability of the relevant judicial act shall be decided per paragraph 2 of Article 13<sup>4</sup>.

### **Article 2.**

1. 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.

2. Before July 1, 2022, the High Council of Justice shall ensure the creation of a digital register of written requests under Articles 13<sup>5</sup> and 13<sup>6</sup> of the Organic Law of

Georgia on Common Courts, determine the rules for its use and the entry of information processed in it before the establishment of the register.

**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