



The Institute for Development of Freedom of Information (IDFI) Files a Constitutional Complaint

Press Release

The *Institute for Development of Freedom of Information (IDFI)* has filed a *constitutional complaint to the Constitutional Court (registration N857)*. IDFI believes that the existing regulation of access to court decisions contradict the Constitution of Georgia.

The legal norms being disputed by IDFI define the rules for requesting documents containing personal data from public institutions, including decisions of common courts. According to the disputed regulations, court decisions containing personal data may not be disclosed if the applicant is, directly or indirectly, bale to obtain information on the persons involved in the decision.

According to the Constitution of Georgia, court hearings are public and may be closed in exceptional cases. The disputed norms prohibit the disclosure of court decisions containing personal data even in cases when the decision was made at a public hearing.

The disputed norms also do not allow the disclosure of court decisions even when there is high public interest related to the cases in question, for example, those of the former / current high-ranking officials.

Considering the fact that all court decisions contain personal data, the disputed norms effectively allow for non-disclosure of any court decision.

IDFI believes that access to court decisions is an essential component of the transparency of and trust in the judiciary. For this purpose, the public must have access to not only information about the general court practice, but also the argumentation used by judges for making their decisions on any specific case.

Therefore, *IDFI has requested Articles 44 and 28 (Paragraph 1) of the General Administrative Code of Georgia, and Articles 5 and 6 (Paragraphs 1 and 3) of the Law on Personal Data Protection be declared unconstitutional with respect to Article 41 of the Constitution.*

The constitutional complaint was prepared as part of the project Increasing Access to Judicial Decisions in Georgia, being implemented by IDFI with the support of the East-West Management Institute (EWMI) under the Promoting Rule of Law in Georgia (PROLoG) Program, which is funded by the United States Agency for International Development (USAID).

INSTITUTE FOR DEVELOPMENT OF
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The project aims to improve the legal framework and practice of access to court decisions in Georgia, bearing in mind the balance between access to judicial information and protection of personal data.

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