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»CPDP opinion on the publication on the websites of municipal councils of a list of names and documents in the procedure for selection of jurors Opinion of the CPDP on the publication on the websites of municipal councils of a list of names and documents in the selection procedure of jurors

OPINION

ON

THE COMMISSION FOR THE PROTECTION OF PERSONAL DATA

Reg. № NDMSPO-01-1078 / 25.10.2018

Sofia, November 12, 2018

SUBJECT: Publishing on the websites of the municipal councils a list of names and documents in the procedure for selection of jurors.

The Commission for Personal Data Protection (CPDP) composed of - Chairman: Ventsislav Karadzhov and members: Tsanko Tsolov, Tsvetelin Sofroniev and Maria Mateva, at a meeting held on 07.11.2018, considered a letter / ent. № NDMSPO-01-1078 / 25.10.2018 / from the Municipality of Maritsa, Plovdiv District, with which a request is made for rendering methodological assistance in connection with the application of the provision of Art. 68, para. 5 of the Judiciary Act (JSA), which imposes an obligation on municipal councils to publish on their websites a list of candidates for jurors, as well as certain documents.

In connection with the above, the following question arises: "Should we publish all personal information contained in the documents attached by the applicant, as the Judiciary Act so provides, or limit the disclosure of information to a list of names and an abbreviated sample of the documents submitted? "

Legal analysis:

As representatives of the society in the court process, the figure of the jurors is normatively regulated in Art. 66 et seq. Of the Judiciary Act (JSA). According to the provision of art. 68, para. 1 of the JSA, the municipal councils, which are located in the judicial district of the respective court, announce in a local daily newspaper, in the electronic media, on the websites of the respective municipalities and municipal councils, and in the absence of such - in another appropriate way, the opening of the

procedure. to appoint jurors. In para. 3 it is stated that the candidates for jurors submit to the municipal councils a set of documents, part of which are: CVs, cover letters, recommendations, as well as a document for inspection under the Access and Disclosure of Documents Act and for announcing Belonging of Bulgarian citizens to the State Security and the Intelligence Services of the Bulgarian People's Army, if they were born before July 16, 1973.

Article 68, para. 5 of the JSA stipulates an obligation for the municipal councils to publish a list of the admitted candidates, together with the above-mentioned documents, on their websites at least 14 days before the date of the hearing of the candidates. A reading of the provision clearly shows that there is a lack of the condition "in compliance with the Personal Data Protection Act", which is often used by the legislator in formulating other rules concerning the publication / disclosure of information and documents containing personal data. Under the current legislation, there is a contradiction between the JSA and the General Regulation on Data Protection, the latter taking precedence over the national one.

The publication of these documents in full, without complying with the rules on personal data protection, would create an immediate risk to the privacy of the candidates for jurors. Such publication in violation of the principles of personal data processing referred to in Art. 5 of Regulation (EU) 2016/679 (General Data Protection Regulation). Through the published documents more personal data can be disclosed than necessary to achieve the purpose of their processing, referred to in the JSA / arg. Art. 5, § 1, letters "b" and "c" of Regulation (EU) 2016/679 /.

In connection with the observance of the principles of personal data processing, the documents should be published with deleted PINs, addresses, signatures, as well as personal data of third parties. In addition, it would be appropriate to disclose the information in the form of a list of names and an abbreviated sample of the documents submitted.

In view of the above and on the grounds of Art. 58, § 3 (b) of Regulation (EU) 2016/679, the Commission for Personal Data Protection expresses the following

#### OPINION:

1. The publication of the list of the admitted candidates for jurors, together with the documents under art. 68, para. 5 of the Judiciary Act, should be carried out in compliance with the principles of "limitation of objectives" and "minimization of data", referred to in Art. 5, § 1, letters "b" and "c" of Regulation (EU) 2016/679. When disclosing the documents, the personal identification numbers, addresses and signatures of the admitted candidates for jurors, as well as the personal data of third parties should be deleted.

2. Due to the lack of a statutory deadline for disclosure and in order to comply with the principle of "restriction of storage" of personal data, referred to in Art. 5, § 1, letter "e" of the General Regulation, the publication of the data on the websites of the municipal councils must be stopped after the completion of the procedure for the selection of jurors.

THE CHAIRMAN:

MEMBERS:

Ventsislav Karadzhov

Tsanko Tsolov

Tsvetelin Sofroniev / p /

Maria Mateva / p /

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