

Journalists & Personal Data Processing

XIX Case Handling Workshop
12 – 13 March 2009
Prague

Publishing x Processing

- Publishing out of processing
 - reporting, comments
- Processing out of publishing
 - background for investigative journalists

Legislation

- ◉ Personal data processing for journalistic purposes:
- ◉ Directive 95/46 EC, Article 9
- ◉ National law: no exemptions or derogations in the Czech legal order

Complaints regarding tabloids

- *Czech DPA's recommendation:*
- Suit for protection of personage in a court of law
- *Outcome:*
- Complainant: Insufficient (inadequate) satisfaction
- Publisher: profit much greater than sanction

To be considered by court:

1. Extent of infringement upon privacy
2. Truthful information x fable, lie, slander
3. Person of public interest – politician, artist, sportsman
4. Claiming x declining tabloids

Balancing rights clause

- Principle of data subjects' consent in advance cannot become instrument of censorship.

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