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**THE CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION OF
INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA
(T-PD)**

**Compilation of comments received
Draft Guiding Principles on the Protection of Privacy in the Media Coverage**

**COMITE CONSULTATIF DE LA CONVENTION POUR LA PROTECTION DES PERSONNES A
L'EGARD DU TRAITEMENT AUTOMATISE DES DONNEES A CARACTERE PERSONNEL
(T-PD)**

**Compilation des commentaires reçus sur le
Projet de lignes directrices sur la protection de la vie privée dans la couverture
médiatique**

Directorate General / Direction Générale
Human Rights and Rule of Law / Droits de l'Homme et Etat de droit

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GERMANY / ALLEMAGNE

INTRODUCTION

1. The free exercise of journalism is enshrined in the right to freedom of expression and information, which is guaranteed by Article 10 of the European Convention on Human Rights. This right is amongst the constitutive elements of a democratic society and is an indispensable requirement for its progress and the development of every individual.

2. The following Guiding Principles aim to promote fair coverage of the private life of public figures as well as of ordinary persons by the media, i.e. the press, the broadcasting media and the new media (notably news portals and bloggers). *Fair* implies that the media strike a balance between, on the one hand, the right of citizens to receive full and adequate information about the activities – regular ones as well as controversial ones – of public figures and, in exceptional cases, ordinary persons, and, on the other hand, the legitimate right of these persons not to have their private life infringed upon.

These Guiding Principles are in line with the relevant resolutions of the Parliamentary Assembly of the Council of Europe¹, which recognise that the right to privacy and the right to freedom of expression are neither absolute nor in any prevailing order to each other, as they are of equal value. In addition, they not only stress the need to achieve a balance between the exercise of these rights, but also specifically call on media to develop their own guidelines.

3. Media coverage should comply with the general standards of protection of the right to privacy, in particular, the principle of fair, accurate, proportionate, transparent and secured processing of personal data (see Article 8 of the European Convention on Human Rights and the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data - CETS No. 108).

4. The Guiding Principles deal with media exposure of the private life; they also cover the stage of information gathering by the media, defining in particular standards governing the use of intrusive practices and surreptitious methods to collect personal information.

5. The Guiding Principles are divided in two parts: the first part defines the general principles of the protection of privacy of public figures, ordinary persons and children;

¹ In particular, Resolution 428 (1970) *Declaration on mass communication media and Human Rights*, Resolution 1165 (1998) *Right to privacy* and Resolution 1636 (2008) *Indicators for media in a democracy*.

Comment [WR1]: This statement goes too far, because it does not pay sufficient attention to the EU- and national-level privilege for data processing by the media ("media privilege"). In any case, the exceptions for data processing for journalistic purposes provided for in Convention 108 must be addressed here.

the second part defines special standards applicable to particular issues such as photographing and filming, journalistic investigations, the new media, coverage of elections, court reporting and security of journalistic data files. While applying these special standards, one should take into account the general provisions as regards the protection of privacy of public and ordinary persons, in particular regarding an overriding public interest. The general principles should also serve as a guidance in the absence of specific Recommendations on certain situations.

6. The right of reply, as laid down in Recommendation (2004) 16 of the Committee of Ministers of the Council of Europe on the right of reply in the new media environment, is fully relevant in the context of private life coverage as it allows for a rapid publication of a counterstatement to contested facts.

7. Finally these Guiding Principles do not prejudice any self-regulatory instruments in the sphere of journalists' ethics. On the contrary: they supplement these texts in the specific area of the protection of privacy. **In consequence the enforcement mechanisms provided for violations of the ethical standards are fully applicable to violations of these Guiding Principles.**

GUIDING PRINCIPLES:

I. General Provisions

1. Public figures

1.1. Public figures are persons holding public office and/or using public resources and, more broadly speaking, people who play a role in public life, whether in politics, the economy, the arts, the social sphere, sport or in any other domain.

1.2. Media may collect and disseminate information about the private life of public figures **with their consent**. Journalists should not use deceptive methods to obtain such consent.

1.3. Media may interfere with the private life of public figures without their consent only when there is an overriding public interest justifying exposure to the public. Such interference should be proportional and not go beyond what is necessary to satisfy a legitimate public interest. According to consistent case law of the European Court of Human Rights, politicians have to expect a lower degree of protection of their privacy; as the Court stated "it would be fatal for freedom of expression in the sphere of politics if

Comment [WU2]: The meaning of no. 7 is not clear. It creates the impression that the parties to whom the Guiding Principles are addressed (e.g. media companies) are required to carry out these principles. Even if according to no. 7, first sentence, they are not intended to prejudice any self-regulatory instruments, the word "supplement" suggests that addressees need to add to these texts and that the document has a binding nature. For this reason, no. 7 should be deleted in its entirety.

Comment [WR3]: There are several places in the document where it is unclear whether the requirement of consent refers to the context of data protection law or to other legal matters. As far as data processing for journalistic purposes is concerned, it is not possible to require the consent of the data subject due to the media privilege.

Comment [WR4]: It is not clear whether this refers to the data subject's general right of privacy or to whether the data processing is allowed by data protection law. Due to the media privilege, it is not possible to require the consent of the data subject for data processing for journalistic purposes.

public figures could censor the press and public debate in the name of their personality rights”².

However mere curiosity or sensationalism can never justify infringement of the right to respect for private life. In assessing whether there is a public interest justifying an interference with the right to respect for private life, the focus must be, as stated by the European Court of Human Rights, "on whether the publication is in the interest of the public and not whether the public might be interested in reading it"³.

1.4. Media can republish personal data manifestly made public by public figures themselves⁴ without their consent. This includes information provided earlier to other media and sensitive data or pictures published on the internet, in particular on publicly accessible profiles on social networks. Even if access to a profile is limited, a legitimate public interest may be construed for republication if the public figure clearly uses his/her profile for political purposes. If information about a public figure was publicly disclosed by other people, the media have to exercise constraint before republishing and only do it to the extent required by an overriding public interest.

Comment [WR5]: This statement again wrongly implies that data processing for journalistic purposes would require the data subject's consent.

1.5. Wrongdoings committed as a minor or before the person became a public figure should not be mentioned unless there is an overriding public interest to publish them.

1.6. In order to avoid harassment or direct threats to personal integrity, the precise location of a home of public figure or his/her family members should not be disclosed without consent of the concerned persons⁵. The same goes for vehicle registration plates or private phone numbers. Such information may exceptionally be published if it conclusively demonstrates a wrongdoing or contradictory behaviour and only to the extent strictly necessary to prove such allegations.

1.7. Pictures of the residence (permanent or secondary) of a public figure may be published without his/her consent only if they were taken from a publicly accessible place and do not undermine the security and protection measures of those premises.

1.8. Information about the religious beliefs of a public figure should not be published without his/her consent, unless this information was already made manifestly public by the public figure, or concerns illegal religious practices or adherence to illegal movements.

Comment [WR6]: As far as data processing for journalistic purposes is concerned, it is not possible to require the consent of the data subject due to the media privilege. Nor is the consent requirement given in 1.8 based on codes of professional conduct (see no. 10 of the Press Code).

² *Társaság a Szabadságjogokért v. Hungary*, judgment of 14 April 2009, §37.

³ *Mosley v. United Kingdom*, judgment of 10 May 2011, §114.

⁴ *Ojala and Etukeno Oy v. Finland*, judgment of 14 January 2015 (paragraph 55).

⁵ *Alkaya v. Turkey*, judgment of 9 October 2012, paragraph 36.

1.9. Information about the lifestyle of a public figure may be revealed only if it conclusively demonstrates that what the public figure pretends to be does not at all coincide with reality. This concerns, in particular, situations where:

- the public figure's public statements do not correspond with his/her public actions;

- the public figure's conduct in personal or family life contradicts his/her public status (a role, which the person plays in public life), statements or other activity;

- the public figure's lifestyle is not consistent with his/her official income or he/she possesses wealth, the origin of which he/she can not explain.

1.10. In order to protect democracy journalists have an important obligation to disseminate information about corruption, including investigations as to the integrity of politicians and public officials, as well as managers of important private companies. The exposure of financial and property information in order to prove or reject allegations of corruption therefore constitutes a legitimate public interest overriding the right to private life.

1.11. Unacceptable behaviour of relatives as well as of close friends or professional colleagues of a public figure should not be attributed to him or her, except in cases where the public figure has contributed to it, explicitly or implicitly tolerated this behaviour, or tried to cover it up. In addition, not being public figures themselves, these persons enjoy a higher degree of privacy.

1.12. Information about significant movable (like vehicles or shares in a company) or immovable (land or residences) property belonging to close relatives or friends of a public figure may only be publicised if it is necessary to prove that its use actually benefits the public figure.

1.13. In conformity with the principle of fairness, media must offer swift possibilities for a public figure (or a person connected to a public figure) to counter assertions of wrongdoings or negligence. Where possible and if it would not jeopardise future publication, journalists should contact and hear the person prior to publication; his/her view must be presented appropriately. Ultimately, it is the responsibility of the editorial bodies (editorial board, editor-in-chief, etc.) of a media outlet to decide on publication of the material without hearing this person prior to publication.

2. Ordinary persons

2.1. Playing no role in public life, ordinary persons enjoy a greater level of respect of their private life. As a matter of principle, their personal data should not be published

without their consent. At the same time while obtaining such consent a journalist must clearly explain which personal data will be published, by whom and in which form.

The mere fact that personal data of ordinary persons have already been published by other media does not justify by itself their repeated publication. For the dissemination of such information without the consent of the ordinary person, there must be a prevailing public interest that justifies such re-publication.

2.2. Exceptionally information about an individual can be published if he/she, voluntarily or involuntarily, attracts public attention due to an important event or incident. Thus, journalists must exercise great caution when people deceased "in especially violent and traumatic circumstances for the family of the victim"⁶.

2.3. Special precautions should be taken to protect people in distress, mourning or shock, as much for themselves as for their immediate family and relatives.

Usually hospital patients or patients of any similar institution are not to be interviewed without authorisation by the facility's management. Exceptions can be made, in particular, in case of investigating medical negligence, careless treatment of patients, corruption or any other independent check of patients' complaints on doctors or other personnel of medical institutions or in other cases upon the patients' initiative. The media should in any case refrain from interviewing individuals deprived of sufficient understanding or seriously affected by the circumstances.

3. Children

3.1. Personal data of a child (any person below the age of 18 years) may be collected and disseminated, as a rule, only with the consent of his/her parents or legal representatives. Exceptions can be made when a child is a public figure (a sportsman, for instance) and the information concerns his/her public activity, or when there is a prevailing public interest.

Special consideration should be given to the maturity of the child when quoting his/her comments. The child may not be sufficiently aware of the impact of his/her words and media have an ethical responsibility not to cause damage to the child.

3.2. When it concerns children in helpless situations, for example after an accident and/or in hospital, even consent of the parents or legal representatives may not justify approaching the child for journalistic purposes. Harm which may be caused to the

Comment [WR7]: As far as data processing for journalistic purposes is concerned, it is not possible to require the consent of the data subject due to the media privilege.

Comment [WU8]: According to the media privilege pursuant to Section 41 (1) of the Federal Data Protection Act (BDSG) and Section 57 (1) of the German Interstate Agreement on Broadcasting (RStV), the media are exempt from the application of the German Federal Data Protection Act (with the exception of its Sections 5, 9 and 38a, which are not relevant here). This matter should therefore not be evaluated in terms of data protection law, but in terms of the right of personality or of press law.

Comment [WU9]: It is necessary to review whether reference should be made here to Article 8 of the General Data Protection Regulation, possibly in a footnote (consistency between the General Data Protection Regulation and the Convention).

Comment [WR10]: As far as data processing for journalistic purposes is concerned, it is not possible to require the consent of the data subject due to the media privilege.

⁶ *Société de conception de presse et d'édition v. France*, judgment of 25 February 2016, paragraph 47

child's interests by disseminating such information and the existence of a public interest should be taken into account in such situations.

3.3. Special consideration should be given to cases where parents or legal representatives issue negative, sensitive or other inappropriate comments about the children, who are under their care. In the interest of the private life of the child, such comments should not be published. However, if the publication is necessary to satisfy an overriding public interest, the name of the child should not be mentioned, in order to avoid a lifelong association with negative or embarrassing comments. If the child concerned is mature enough and willing to provide a reply to comments about him/her, this reply should be presented appropriately.

3.4. Collection and publication of details of the private life of a child may not be justified only by the position that his/her parents or legal representatives occupy in the society. At the same time, such information may be collected and published, if it is necessary to demonstrate the misconduct of parents (or legal representatives) or the commission by them of offenses or other acts which are not consistent with their public status. The scope of such information should not exceed what is strictly necessary for the disclosure of relevant facts or lifestyle.

II. Special Provisions

While applying those special provisions, one should take into account the general provisions as regards the protection of privacy of public and ordinary persons, in particular regarding an overriding public interest.

4. Photographing and filming

4.1. Audio-visual media have to be aware of the fact that they often have a much more immediate and powerful effect than the print media. The publication of pictures must in general be considered a more substantial interference with the right to respect for private life than the mere communication of the person's name.⁷

4.2. Photographing and filming persons in private locations is not allowed without their consent.

4.3. In public areas (for instance, on the street, in public transport) individuals may be photographed and filmed without their consent if these persons are part of a crowd and not specially focused upon. At the same time, it is allowed to photograph and film individuals who deliberately attract attention by their actions, appearance or in another

⁷ *Eerikäinen and Ors v. Finland*, judgment of the European Court of Human Rights of 10 February 2009.

way, as well as those who take part in public events (conferences, protests, etc.), and to disseminate such photo and video materials.

In potentially sensitive places, for example ambulances, hospitals, schools and prisons, the consent of the manager is also required. Regardless of general approval by the facility's management, the media should not film or take pictures of people that cannot reasonably be expected to give free consent, such as for example, when they are under stress in an emergency room.

4.4. Photographs and filmed sequences designed to illustrate a subject but representing people or situations not directly related to the people cited in the article or programme, must be identified as such. They must be clearly distinguished from photographs and filmed sequences of an informative or documentary character with a direct bearing on the facts being reported.

4.5. Photo and video montage can be justified only when it throws light on an event, illustrates a conjecture, offers a critical viewpoint or contains a satirical element. It must, however, be very clearly signaled as such so that readers and viewers are protected from any risk of confusion.

4.6. It is allowed to photograph and film representatives of public authorities (e.g., policemen, employees of state guard service, prosecutors) when they perform their duties.

5. Journalistic investigations

5.1. Media should gather information about the private life of persons in an open and fair way.

Secret recording and undercover investigation, whether conducted by the media or with the assistance of others, should only be used when there is no other reasonable and less intrusive alternative to collect evidence about serious wrongdoings.

5.2. The use of long lenses to take pictures from a great distance infringes upon the right to private life when the images reveal personal data which else would not be visible to the outside world. The fact that technology is available to 'zoom in' on people, their clothes, their private homes and the things they carry along, such as paper files, bags with personal items, telephones, and internet/audio/video devices, does not legitimise using the technology to infringe on private life.

Long lenses may only be used in public places to conclusively demonstrate the presence or acts of public figures, in circumstances where they can be aware of being filmed/photographed and only if there is an overriding public interest in collecting and disseminating these images.

5.3. Secret recordings (by way of hidden cameras or microphones, or intrusive audio-video equipment) or undercover investigation may only be used upon profound evaluation of the circumstances of the case, in particular its relevance for the public as well as the existence of less intrusive methods to collect the necessary information⁸. The decision to use clandestine methods of journalistic investigation should be taken at the highest level of the executive direction of the media.

5.4. Strict secrecy of telecommunications should be observed; the media should thus abstain from the illegal interception or hacking of phone or text messages, regardless whether they perform these acts themselves on their own initiative or with the assistance of others. The same strict secrecy applies to the contents of stolen or lost telephones and all other kinds of electronic communication devices.

The contents of private communication of politicians that was captured from screens of communication devices with the help of long lenses or conversations overheard from a long distance with the help of enhanced microphones may only be used by the media in very exceptional cases where there is an overriding public interest (as cases of corruption or embezzlement involving high ranking politicians persons) and only if the information to be collected cannot be obtained by any other less intrusive means. Even under these special conditions, the decision to capture and/or publish information collected in such an unfair way should be taken at the highest level of the executive direction of the media.

5.5. Private premises must be respected under any circumstances; in particular media should immediately leave a private property if commanded to do so by the property owner and abstain from housebreaking.

Such information may exceptionally be collected and published if it conclusively demonstrates a wrongdoing or contradictory behaviour of a public person, and only to the extent strictly necessary to prove such allegations.

5.6. Doorstepping⁹ will be used only if the person refused, repeatedly and without any good reason, to be interviewed or to be filmed or recorded and the information is of importance.

6. New media

⁸ *Haldimann and orther v. Sweden*, judgment of 25 February 2015, paragraph 61.

⁹ 'Doorstepping' is when a journalist confronts and records, or attempts to record, an interview with someone for broadcast, or announces that a phone call is being recorded for broadcast, when that person is not expecting to be interviewed for broadcast because of absence of any arrangement to do so (see BBC Editorial Guidelines 7.4.30).

6.1. Media allowing for direct comments from the audience to be published online have to verify - on their own initiative or on demand of a person - whether the publication of personal data included in these comments is justified by an overriding public interest. If the comment does not meet this test, the media should delete the content as soon as possible from the publicly visible website. At the same time the media have to provide for a simple and highly accessible procedure to lodge a complaint. It is notably required from large news portals to take effective measures to prevent the risk of harm to others (word-based filter or team of moderators)¹⁰.

Comment [WR11]: The obligation set here seems very broad. It will hardly be possible for operators of such forums to weigh up the relevant interests in every individual case.

6.2. An important element of the right to freedom of expression is the right to freely gather information. In this context, respect for online reader privacy is crucial. Though the use of new media such as websites, blogs, apps and e-readers enables a much more detailed analysis of the habits and inferred preferences of individual readers, such analysis may seriously impede the exercise of the right to gather information. Media should respect the right of readers not to identify themselves, directly or indirectly. Media may ask for registration with (verified) contact details of people that wish to post public comments, but must allow for the use of pseudonyms in the online publications. Media should seek the informed consent of their readers (both paying subscribers with access to a new media version and non-paying general visitors) before they track their behaviour, for example with the help of permanent cookies or (device) fingerprints. This includes cookies set by advertising networks. In order to protect reader privacy, log files containing information about visitor behaviour, such as IP addresses and login names, should be anonymised as soon as possible.

Comment [WU12]: We welcome the requirement of a simple and accessible mechanism. However, we see this sentence as referring not only to possible unauthorized publication of personal data, but also to other harm, for example as the result of hate speech (racist comments on reporting). We therefore suggest adding the words "including incitement to hate of violence".

However, it is necessary to ensure that the operators of such forums are capable of meeting the requirement to verify whether the publication of personal data included in the various comments is justified by an overriding public interest at all or with a reasonable amount of effort.

Comment [WU13]: This sentence is problematic. According to German law (Section 13 (6) of the Telemedia Act (TMG), providers must enable their portals to be used anonymously or with a pseudonym as far as technically possible and reasonable. Such use also includes writing comments. It is therefore not enough for the provider to use the author's pseudonym for the published comments while requiring the author's real contact details. So this sentence should be worded as follows: "Media may ask for registration of people that wish to post public comments, but must not request 'verified' contact details."

7. Coverage of elections¹¹

7.1. Due to the crucial nature of elections for democratic governance media have the right and the duty to provide voters with extensive and balanced information on candidates (and future candidates), as well as elections officials and other persons connected to the organisation and conduct of the elections, like observers, participants in political campaigning or persons present at the polling stations.

7.2. When it comes to balancing arguments in favour of disclosure of personal information and arguments against it, due consideration should be given to the right of the voters to be fully informed about a candidate's conduct, as well as about any possible infringements of election-related legislation by anyone.

7.3. During election campaigns, a rigorous scrutiny of the following information about candidates is justified by an overriding public interest:

¹⁰ *Delfi v. Estonia*, judgment (Grande chambre) 16 June 2015, (paragraph 157).

¹¹ See also Recommendations on Media Coverage of Elections and Protection of Privacy, 4 July 2012. Source: coe.kiev.ua/projects/media/Publication/RecElectENGFinal.pdf.

- illegal conduct, in particular offences linked to public good governance such as corruption, embezzlement,
- electoral fraud, vote rigging and any other violations during election process,
- professional incompetence or negligence,
- conflict between political discourse and private behaviour.

Regarding election officials or other persons connected to the election process, scrutiny of the following misconduct is justified by an overriding public interest:

- violation of electoral legislation,
- political bias contradicting a person's duty to remain impartial (e.g. electoral commissioners, policemen) or professional ethics (journalists),
- any other conduct which might unduly influence the results of the elections or impede a free and well-informed vote.

7.4. Though considered highly sensitive under normal circumstances, data on health or medical treatments might exceptionally be revealed if they demonstrate that the candidate is physically or mentally inapt to hold office.

8. Crime and court reporting

8.1. The public has a right to be informed about crimes committed, as well as about investigation, prosecution and trial of criminal cases. Nonetheless media should report in an impartial and unbiased manner, free from any prejudice and refrain from publishing groundless and unverified accusations.

Accordingly media shall avoid representing publicly a person as guilty before he/she has been convicted by a tribunal. In particular, reports should specify whether the accused person has pleaded guilty or not guilty. A confession of guilt should never be presented as proven guilt.

8.2. It is journalistic best practice not to mention the full names of a suspected or accused person, and use instead pseudonyms or initials, unless that person has manifestly made his/her involvement in the particular case public, for example, by denying all charges.

Name and/or picture of a suspect or an accused (or any other detail that would make identification possible for anybody not belonging to his/her circle of close relatives or intimate friends) can be published only if there is an overriding public interest in identification. This might be the case when the suspected or accused person:

Comment [WU14]: According to the media privilege pursuant to Section 41 (1) of the Federal Data Protection Act (BDSG) and Section 57 (1) of the German Interstate Agreement on Broadcasting (RStV), the media are exempt from the application of the BDSG (with the exception of its Sections 5, 9 and 38a, which are not relevant here). This matter should therefore not be evaluated in terms of data protection law, but in terms of the right of personality or of press law.

Comment [WU15]: This formulates a power of disclosure that in our view violates Art. 9 of the General Data Protection Regulation. This sentence should be deleted.

- exercises a political mandate or is a high ranking public official, and is formally prosecuted for having committed crimes incompatible with his/her office; or
- is already well known in a specific area, and the crimes of which he/she is accused ~~are~~ related to his/her reputation in this area.

Publication is also permitted in cases where:

- the crime committed is a very serious one and has caused fear or alarm amongst the population, or
- publication is indispensable to avoid confusion that would be detrimental to a third party, such as confusion with another person working in the same area and/or exercising similar tasks.

8.3. Personal data of individuals who have committed minor crimes or misdemeanors shall, in general, not be made public, unless there is a prevailing public interest, in particular in case of corruption offenses.

Publication of personal data of suspected, accused or convicted juveniles can only be justified in exceptional circumstances and extreme importance of this information for the public discussion.

Media should also avoid publishing names of relatives or friends of suspected, accused or convicted juveniles, unless such description is indispensable for a complete and genuine reporting on the crimes committed or court proceedings.

8.4. Except for public figures, personal data of a victim of a crime shall not be published without the victim's consent or, if the victim was killed, without his/her relatives' consent.

8.5. Media should not publish personal data of a witness to a criminal act.

8.6. If the media have covered the trial of a person, it should also report an ensuing acquittal. The same goes for the shelving of the investigation. The form of the announcement of the shelving or of the acquittal must be proportional to the earlier coverage of the suspected or of the accused person.

8.7. In order not to impede re-socialization, media should not recall old crimes committed by a person who has served his/her sentence. This Guiding Principles shall not apply if such person commits new significant crimes or aspires to a high position in society.

9. Security of journalistic data files

9.1. Journalists may keep files with personal data for reference and future investigative purposes. They should define and take reasonable organisational and technical security measures necessary to prevent data breaches or interception, or any other unauthorised access.

IRELAND / IRLANDE

General

The genesis of this document and its target is not clear. It does not disclose authorship or its readership. In any event it appears to us that the document would benefit from consultation with a Steering Committee such as CDCJ or CDMSI.

The issues of freedom of expression and the right to privacy are anchored in the Irish Constitution. There is ample case law of our superior courts, which takes account of the jurisprudence of the European Court of Human Rights, in relation to this issue.

Furthermore, Ireland wishes to draw attention to article 85 of the recently adopted General Data Protection Regulation which acknowledges that it is a matter for Member States to reconcile the right to the protection of personal data with the right to freedom of expression and information.

Specific Comments

Introduction

The meaning of 'secured processing' in paragraph 3 is not clear.

Paragraph 1.6

The final sentence of paragraph 1.6 is very broad and needs to be reconsidered. If wrongdoing attracts legal sanction, publication could interfere with the right to a fair trial and/or prejudice any inquiry or tribunal.

Paragraph 1.7

While the pictures referred to in paragraph 1.7 may not interfere with security and protection, they could still invade privacy given the availability of increasingly advanced photographic techniques.

Paragraph 1.10

It is suggested that the words 'private life' should be replaced with 'privacy'.

Paragraph 2.2

Replace 'deceased' with 'die'.

Paragraph 5.5

It is suggested that 'and trespass' should be added to the end of paragraph 5.5.

Paragraph 5.6

The threshold set out in this paragraph i.e. 'the information is of importance' seems very low and should be reconsidered.

Paragraph 7.4

It is suggested that 'inapt to' should be replaced with 'incapable of'.

Paragraph 8.1

Delete 'by a tribunal' in the second paragraph.

Paragraph 8.7

The phrase 'or aspires to a high position in society' is too vague.

Typographical comments**Paragraph 3.4**

Replace 'offenses' with 'offences'.

This also applies to paragraph 8.3.

Paragraph 4.3

Replace 'people that cannot' with 'people who cannot'.

Paragraph 5.2

Replace 'which else' with 'which otherwise'.

Delete 'along' after 'carry'.

Paragraph 5.4

Insert 'of' after 'kinds'.

Delete 'persons' after 'politicians'.

Paragraph 7.1

Replace 'elections officials' with 'election officials'.