

Reply of the Republic of Slovenia on the Alert on CoE Safety of Journalists Platform, Case No. 273/2025

Regarding the case reported to the **Council of Europe's Safety of Journalists Platform** (Case No. 273/2025) concerning the actions of the **Municipality of Ljutomer**, we would first like to clarify that the Municipality filed a criminal complaint against the **Oštro** media outlet for alleged criminal offences related to the unjustified processing of personal data, as well as the dissemination of false, inaccurate and misleading information. This also concerns the publication of publicly available information about the Mayor's real estate and mortgages, and those of her immediate family members, which, according to the Municipality, do not correspond to the actual situation.

According to information provided by the Police, they are currently conducting a pre-trial proceedings, which have not yet been completed. A police investigation may be followed by court proceedings. We would like to emphasise the constitutional principle of judicial independence in this context. Judges uphold this principle by ensuring that the rights of all participants in court proceedings are protected in their decisions, and by balancing the protection of personal rights against the public's right to information in cases involving public interest.

In this context, we believe it is inappropriate for public entities to use public funds to initiate criminal prosecutions or lawsuits that are unjustified and unfounded, especially if their purpose is not to protect legitimate interests but to deter investigative journalism or prevent public authorities from being transparent, which is one of the fundamental social roles of journalism.

In the Republic of Slovenia, the right of correction and reply is regulated by the Media Act (ZMed-1). According to Article 68(1) of ZMed-1, any person has the right to demand that an editor-in-chief publish, free of charge, a correction provided by that person to any notice published that infringed upon their rights or interests.

Correction means:

- Negation or correction of false or untrue statements in a published notice (correction in the narrow sense);
- Citation or presentation of other or contrary facts and circumstances by which the person infringed upon disproves the statements in the notice published or significantly adds thereto for the purpose of disproval.

A correction may be requested by any natural or legal person whose rights or interests have been affected by the publication of the notice to which the correction relates.

In Article 3(1)(12) of the Media Act (Zmed-1), journalistic activity is defined as the collection, processing, design, creation or sorting of information for publication in the media. Therefore, if any false or untrue information has been published on the **Oštro** media outlet concerning the Municipality of Ljutomer or its Mayor, and if their rights or interests are affected by the publication in question, they would have the right to demand that the editor-in-chief publish a correction of the false statements or present contrary facts.

A journalist may collect data needed for their work under Zmed-1 or at least as an individual under the Public Information Access Act. Information provided by obligated entities must be truthful, accurate and complete. Certain public information may be accessible to anyone in freely accessible public records or through other means, such as records and registries of the Agency of the Republic of Slovenia for Public Legal Records and Related Services (AJPES), publication in the Official Gazette, publications of the authority, media, professional literature, or on the Internet. Through the TZIJZ web application (transactions of persons liable for public information) managed by the Public Payments Administration of the Republic of Slovenia, free

access is provided to public information on transactions carried out at the expense of entities obliged to provide public information: public institutions, public companies, business entities wholly owned by public law entities registered in the Register of legal persons liable for public information (RZIJZ), as well as indirect and direct budget users. The online application ERAR also allows the general public to view transactions of public institutions and companies owned by the state and municipalities, relating to goods and services, salaries, social benefits and pensions. The data in the published public records are presumed to be correct.

In 2015, the Republic of Slovenia took a further step towards protecting freedom of expression and journalistic work by amending the Criminal Code (KZ-1C). The addition of the third and fourth paragraphs to Article 260 of the Criminal Code meant that the publication of classified information could no longer be punished *if it concerns classified information revealing an unlawful encroachment upon human rights or fundamental freedoms, other constitutional or legal rights, serious abuse of power or authority or other severe irregularities in the exercise of power, public authority, or public service.*

Additionally, the Information Commissioner (hereinafter referred to as IC), as the supervisory authority for the protection of personal data informs that it cannot comment on the criminal charges filed by the Municipality of Ljutomer against the Oštro media outlet. However, in the last three months of 2025, the IC received several reports against the Oštro media outlet for processing personal data on the assets of public officials and their family members as part of the project *Detektor premoženja (Asset Detector)*, including a report filed by the Municipality of Ljutomer. The reports received concern the collection of data directly from individuals, informing individuals about the processing of their data and the data of their family members, and securing the database maintained by the media outlet.

On the basis of all these reports, the IC, in accordance with the powers of the supervisory authority for personal data protection arising from the provisions of the General Data Protection Regulation and in accordance with the provisions of Article 73 of the national ZVOP-2, initiated inspection proceedings against the media outlet, which is currently still ongoing. As the supervisory authority for data protection, the IC is obliged, upon receipt of a report, to establish and clarify the facts, including by requesting the controller to provide certain explanations. Only on the basis of a fully clarified factual situation can the IC make a correct decision on the report. The inspection proceedings are therefore intended to clarify the facts, and the fact that the proceedings have been initiated does not mean that a violation has already been established.

The purpose of the inspection proceeding in question is therefore by no means to restrict freedom of expression and journalistic work when it comes to reporting on stories and investigating specific events. The IC is also an appeals body under the Access to Public Information Act and the Media Act, and understands the extremely important role of journalism in society. Regardless of this, the IC also exercises the powers of a supervisory authority for data protection.