



NEJVYŠŠÍ SPRÁVNÍ SOUD



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Provide or Protect? Administrative courts between Scylla of freedom of information and Charybdis of protection of privacy.

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Answers to Questionnaire: Lithuania



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The Report of the Supreme Administrative Court of Lithuania

Provide or Protect? Administrative courts between Scylla of freedom of information and Charybdis of protection of privacy

(questionnaire)

Part I

1. Is the central administrative supervision over providing information and protection of personal data carried out by one administrative authority or are there specialized authorities for each of these fields or is there an absence of such an authority in any of these areas? Does the chosen model cause any application problems?

The supervision over protection of personal data is carried out by a central state authority State Data Protection Inspectorate. There is no central institution with exceptional authority to supervise the provision of information in public sector.

The complaints on the refusal to provide information may be addressed to an administrative disputes commission (regional or central) which carries out pre-trial investigation of administrative disputes including those related to free access to information. Applicant may also address their complaints to the Ombudsman ('Seimo kontrolierius') whose function is to investigate complaints about abuse of power, bureaucracy and other kinds of human rights violations in public administration. Submitting complaint to the Ombudsman or to an administrative disputes commission is by no means compulsory procedures before starting court proceedings. Thus in case the requested information is not provided, the person concerned may straightaway start court proceedings in administrative court.

There is no indication that this model could cause problems in the discussed fields.

2. What types of information are excluded from providing? Is there one regime regarding all exclusions or is there any differentiation – e.g. absolute exclusion and relative exclusion?

The basic rules in regard of this matter are laid out in the Law on the Right to Receive Information from Institutions and Establishments of the State and Municipalities (hereinafter called – Law on the right to receive information). According to Articles 1 and 15 of this Act, entities of public administration do not provide this information:

- 1) Information, which is not related with the functions of respective entity of public administration, unless it is information about salaries of the employees;*
- 2) Information, which is an object of this entity's industrial property rights or an object of third party's copyright, neighbouring rights or rights of database producers (sui generis);*
- 3) Information in disposition of Lithuanian national radio and television or other state-funded public broadcasters;*
- 4) Information in disposition of schools, libraries, entities of scientific and scholarly research;*

- 5) *Information in disposition of museums, theatres or concert entities, or entities, established by Lithuanian archive department under the Government of the Republic of Lithuania;*
- 6) *Information, which is recognised as non providable because of national or public safety, interests of state defence, restrictions on use of statistical data, information, which is a state, commercial, professional or bank's secret or in other cases, prescribed by law;*
- 7) *Information, which is provided according to other laws;*
- 8) *When a person is obliged to justify the purpose for which he intends to use the inquired information.*

The exclusion of such entities as schools, theatres and others, from the scope of the Law can be justified by the fact that they do not hold administrative authority.

Some aspects of the right to receive information from public entities are regulated by specific regulation, for example in cases of information from public registers, courts, banks, public notaries, and in other various cases. For example, information from the Office of the Chief Archivist of Lithuania is provided under a special procedure. According to Article 20 of the Law on Documents and Archives the information is not provided, when it can be justified by: (1) interests of national safety, defence, international relations; (2) public safety; (3) privacy and other legitimate private interests; (4) prevention of criminal offences, in the interests of criminal investigation; (5) equality of parties in judicial litigation; (6) state's economical, monetary, currency exchange policies; (7) public and private commercial or other economical interests.

On this point, one may also find of interest respective domestic case-law on the interpretation and application of the afore-mentioned legal acts. In judicial practice the basis not to provide information, which is not related with the functions of respective entity of public administration, was applied in such cases, where: relevant information was requested about a former employee (the Supreme Administrative Court's of Lithuania 2014-06-04 decision in case No. A³²⁵-1459/2014); a request about employee's personal information, such as ethnicity, health, family life and etc. (the Supreme Administrative Court's of Lithuania 2015-03-05 decision in case No. A-852-502/2015). The basis not to provide information, which is provided according to other laws, in practice is often applied when information is requested from the revenue service (The Supreme Administrative Court's of Lithuania 2011-04-14 decision in case No. A575-757/2011; 2008-04-29 decision in case No. A143-763/2008); in matters of criminal procedure (the Supreme Administrative Court's of Lithuania 2014-11-27 decision in case No. A502-1940/2014; 2011-05-23 decision in a case No. A438-1447/2011) and etc. With respect to the refusal to provide information when a person is obliged to justify the purpose for which he intends to use the inquired information, one should note the case wherein the information of private nature (related to the child's well-being) was requested and the applicant failed to state the reasons for gaining access to this information (the Supreme Administrative Court's of Lithuania 2015-06-08 decision in case No. A-1457-624/2015).

3. Are there any types of subjects governed by private law that have duty to provide information? If the answer is affirmative, what kind of subjects and what kind of information?

In Lithuania there are subjects governed by private law that have duty to provide information. The afore-mentioned Law on the Right to Receive Information is applicable, among others, to the bodies, with power to carry out audit, control (supervision), other entities of the state and municipalities, which are financed from the state or municipal budgets or governmental monetary foundations and have the power of public administration; companies and establishments, which provide public services; companies and establishments, fully or partially owned by the state or municipalities, joint stock companies and limited companies, in which state or municipality owns more than 50

percent of shares, when these entities provide information about salaries of their employees following the procedure of this act.

4. Are the salaries of the employees of the public sector subject to the right to free access to information as well? Does this cause any application problems regarding the personal data protection?

The information about salaries of employees falls within the object of information, which entities of public administration are obliged to provide. This information must also be displayed on the official web page of respective entity. This legal imperative is set out in the Resolution of the Government No. 480. However, generally web pages display salaries for particular positions, without connection to particular individuals and their names. This requirement is laid out as follows: in the web page of entity, last year's average monthly salary rates and average monthly salary rates of recent annual quarter are displayed with connection to the number of employees performing the same duties (disregarding different departments). In case there is only a single employee in particular position, their last year's monthly salary rate and average monthly salary rates of recent annual quarter are displayed only with their consent.

Legal provisions on the right to access information about salaries of public institutions employees were interpreted in a case before the Supreme Administrative Court of Lithuania¹. Applicant in this case claimed that he has the right to be provided information about salaries of several public hospital employees. The Court decided that legal provisions of the Law on the Right to Access Information conferred the right to access general information about the salaries paid to certain types of positions at the hospital but did not entitle everyone to access particular salaries of concrete employees. The Court stated in this case that the public interest does not justify the need to access information about salaries of particular employees

It should be noted that salaries of public officials in senior positions are determined by the public acts of law. These include politicians, judges, public prosecutors, ombudsmen, heads of public entities, who were appointed by the Parliament, Head of the Parliament, heads of governmental entities, officers of intelligence and special services, specialised in crimes of corruption; in addition to that, their declarations on the value of private property are also publicly announced. These provisions create a limitation to the protection of privacy, however, it is considered as outweighed by public interest of transparency.

To the date the case-law of national courts does not reveal any direct link between the established legal regulation and practical problems of personal data protection.

5. Is the trade secret excluded from the free access to information?

Trade secret is excluded from the free access to information by the Law on the Right to Receive Information (Articles 1 and 6) and by general provisions set out in the Civil Code (Article 1.116).

6. Are documents that are subject of intellectual property excluded from the free access to information?

Documents, which are subject to intellectual property, are excluded from the free access to information. Articles 1 and 15 of the Law on the Right to Receive Information state that entities of public administration do not provide information, which is an object of this body's industrial property rights or an object of third party's copyright,

¹ Case No. A492-2809/2011 (22 September 2011).

neighbouring rights or rights of database producers (sui generis). According to Article 16 of this Act, when entity refuses to provide information on the latter basis, it must specify the third parties that hold the respective rights.

7. Does the right to free access to information cover as well the parts of an administrative file that contain data related to individuals or are these data protected? In which areas of public administration does this cause problems ?

There is a general provision in the Law on the Right to Receive Information that states that a person has the right to receive private information about himself. According to the Law on Legal Protection of Personal Data, private information can be provided only when it is necessary for academic research, in regard of financial credits, insurance, healthcare, social insurance or is requested by entities with authority in the field of social welfare or public education. In other cases private information cannot be accessed by other individuals, unless it falls within the aforementioned exceptions in regard of salaries of certain public employees or other cases.

8. Are data related to criminal proceedings or administrative delict proceedings or any data of quasi-criminal nature (typically files of secret police departments from the times of anti-democratic past) excluded from the right to free access to information?

Information about ongoing criminal or administrative delict proceedings is only available for parties of respective case or their representatives. However, certain information can be publicly announced for the media, when it is deemed necessary for principles of transparency, public interest and etc. Once the case is solved, data can be accessed by third person. These principles and procedures are described in more detail in the following sections of this questionnaire.

On the subject, the legal rules related to the persons, who secretly cooperated with USSR special services, should be mentioned. The publication of this data is differentiated inter alia according to the fact whether a person voluntarily admitted about the cooperation to responsible authorities. In this case, their names are classified as a secret of the state. The Law on Registration, Confession, Registry and Protection of Persons, who Secretly Cooperated with USSR Special Services, states that, despite the fact of confession, data about such cooperation is announced publicly, when (1) a person serves in a position of the President of the Republic, a member of Parliament or municipal council, member of the Government (a minister or Prime Minister), judge, public prosecutor or is a candidate for any of these positions; (2) when a person is prosecuted for crimes against humanity, war crimes or genocide and other cases, prescribed by law; (3) coded data about cooperation with USSR special services can be used for academic research, with permission of authorities; (4) data about cooperation with USSR special services is publicly announced, when a person does not confess having cooperated within given term. When a person secretly cooperated with USSR special services, some restrictions apply to them for taking up positions in civil service, law enforcement and political positions. One can assume that the stringency of this restriction is going to diminish over time. This consideration is based on the case-law of the European Court of Human Rights (see Sidabras and Džiantas v. Lithuania, 55480/00 and 59330/00, 27 July 2004, Information Note 67; Sidabras and others v. Lithuania, 50421/08, 23 June 2015, and Rainys and Gasparavičius v. Lithuania, 70665/01 and 74345/01, 7 April 2005; see also Verein gegen Tierfabriken Schweiz (VgT) v. Switzerland (no. 2) [GC], 32772/02, 30 June 2009, Information Note 120).

Part II

9. Public availability of decisions

9.1 Are there any sorts of decisions in your jurisdiction that are not published at all (e.g. decisions with classified status or other decisions with restricted access)? If so, please describe typical cases and give indicative statistic that can illustrate the frequency and relevance of such cases.

Depersonalizing judicial procedural documents is regulated by the Rules of Judicial Council. Under general rule anonymized versions of all decisions, by which disputes are solved, are published on-line. This also means that decision is not published, if it was reversed by appellate court. The category of unpublshable information also includes:

- 1) court's orders (acts, by which court solves the dispute preliminary);*
- 2) court's permissions to carry out particular actions, judicial decisions on divorce by mutual consent of the spouses and decisions on agreements for consequences of divorce;*
- 3) judicial acts on procedural questions (for example, appointment of expert's examination, provisional safeguards, suspension of the case, etc.);*
- 4) non-final decisions, by which dispute is not solved substantially (for example, refusal to accept the claim, decisions to consolidate or separate cases, transition of the case to another court, etc.);*
- 5) decisions in cases, which were examined in closed hearings (these usually include decisions in regard of adoption, asylum seekers or when case material was rendered as classified).*

According to Article 12 of the Law on Administrative Proceedings, court can decide that all or a part of a case is not to be publicly available, when it is necessary in order to protect secrecy of a person, his privacy or property, confidentiality of person's health, or if there is a serious basis to believe, that a secret of the state, service, a professional or commercial secret could be revealed. These decisions can be published if the president of respective court decides to make an exception based on the need to inform the public about judicial practice on this matter or in cases with public interest. Concrete data about how many decisions are not published is not tracked.

9.2 If a third person (not a party of respective case) wants to obtain your decision, what is the procedure? On-line availability of decisions is to be discussed below, so kindly describe here only other options (e.g. whether it is possible to ask for a decision by snail-mail, whether any fee apply etc.)

The right to get acquainted with a decision in a case, which was already solved and the decision has come into effect, by a third person is protected by Article 37(1) of the Law on Courts, Article 12 of the Law on Administrative Proceedings and other acts, which regulate different kinds of judicial procedure. In case media requests a copy of a decision which has not yet come into effect, anonymized version is provided with a note that decision has not yet come into effect. Other third persons can also get acquainted with solved decisions and case material in person. A person, who wants to get acquainted with a solved case, has to deliver a written request, his name, place of residence and personal code. Such requests are solved by the judge, who is dealing with the case, or the president of the court. There is no fee to get acquainted with the material of a case, although fee applies when a copy is requested. Amount of this fee is regulated nationwide and is based on the principle that only necessary costs are covered. Although, such requests are usually dealt with using the digital communication devices (in these cases no fee is applied).

It also can be noted that, as far as it concerns communication with mass media, there are specific restrictions, set out by the Judicial Council, according to which some information is not provided: (1) information, announcement of which could breach rights to privacy of personal life or other human rights and freedoms; (2) a secret of state, service or professional, commercial, bank's secret; (3) information, which can be degrading to human dignity; (4) information, related with a case on adoption, asylum, or other classified case; (5) which allows to identify un

underage party; (6) when announcement of information would interfere with judicial procedure; (7) which reveals data of pre-trial investigation, except data, concerning acts of court (about a hearing, judgment, their reasons and etc.), if announcing would not interfere with the investigation; (8) material of cases, which have not been solved yet, unless it is about decisions, which have been anonymized and published in web page of courts'; (9) other information, which is prohibited to announce by law.

9.3 Is there any official collection of selected decisions of your instance (apart on-line publication of decisions – see below)? If so, please describe in detail the procedure of its issue. In particular, please focus on the selection process of decisions that are to be published, the frequency of publication and the form of publication. Indicate, whether the collection is published directly by your instance, by some other public body or by an independent publisher. If the collection is published by an independent publisher, please describe the form of cooperation (i.e. whether the publisher has exclusive rights to publish the collection, whether the publisher does any editing of published decisions etc.) Are decisions that are chosen for the publication regarded more relevant by your instance or by general public?

The Supreme Administrative Court of Lithuania directly publishes reviews of its case-law, periodically issues its own journal and annual report. Decisions for publication in all of these are selected according to the criteria of importance and in regard whether decision brings novelties or change to the established case-law, i.e. usually more relevant for the public from the viewpoint of the court. Particular decisions are gathered by staff of the court and, with respect to the journal also approved by the majority of judges. All decisions or summaries are published without private data, which is removed following the rules of anonymization as described further. There are generally twelve reviews of the case-law published every year. They are available in digital form and include the summaries of selected decisions. The journal of the court is published twice per year in paper and digital form. It includes full texts of selected decisions and a note, which states the rule of particular decision. Every year the Court also releases its annual report in digital form. It presents commentaries on tendencies in the Court's case-law and short summaries of the most significant decisions.

The afore-mentioned reports on the case-law are mainly directed at the institutions of public authorities and professionals working in the sphere. Where the public in general is concerned, one should note the Annual Reports. These documents mainly focus on the decisions of the Court related to the protection of human rights (Available online <<http://www.lvat.lt/en/annual-reports.html>>).

10. Editing and anonymization of decisions

10.1 Do you anonymize published decisions? If so, please describe in detail the procedure. In particular, please describe who is in charge of anonymization, whether there are any particular statutory or other rules governing anonymization (apart general privacy/data protection rules) and what data are anonymized.

Each published decision is anonymized. Process of judicial decisions' publication is regulated by the rules of Judicial Council. Anonymized versions are prepared and published by staff of the court or judges, authorized by the presidents of courts. Usually it is carried out by assistants of judges.

Such versions of judicial decisions are published within the period of 10 workdays after particular decision comes into effect. When the case is presented to media, anonymized decision can be published before it comes into effect. Data, which is anonymized in judicial decisions, includes:

- 1) *Secrets of the state, of service, also, professional, commercial, bank secrets or other data of this sort, when it is prescribed by law;*
- 2) *Personal number of natural person, address of residence, date and place of birth, as well as date of marriage, divorce or death;*
- 3) *Data, which would allow to identify property, ruled by natural persons – registration plate numbers of vehicles, numbers of bank accounts, codes, addresses of real estate, other similar information;*
- 4) *Other private data, on request of the subject concerned.*

10.2 If anonymization practice changes, does it affect already published decisions (i.e. are past decisions subsequently anonymized/de-anonymized with every change of anonymization rules)?

There have been no significant changes of anonymization practice, therefore Lithuanian legal system has not yet met this challenge of retrospective application. So far, such obligation is not included in relevant law.

10.3 Describe any subsequent problematic issues that you noted in your jurisdiction regarding the anonymization (e.g. different practices of different supreme instances, strong public debates, impact of de-anonymization of decisions by media etc.)

From a practical level, it shall be noted that the anonymization of decisions is carried out by semi-automatic software, so there is a risk of mistakes, where some private data is omitted and left available in the anonymized version of decision. Such mistakes are usually fixed by periodic internal checks or when an inquiry of party is made.

*One should also note the discussions concerning the constitutional problems of depersonalizing judicial procedural decisions in the national legal doctrine. On this point, a representative of Lithuania's legal science has expressed the view that "in all instances the depersonalisation of the data regarding the sides in a case is not substantiated at the levels, either inasmuch as it concerns the constitutional or the EU law, or the ordinary level of the laws of the Republic of Lithuania. The public openness of court resolutions and the data on case parties thereof constitute an important public control system of the courts. The depersonalisation of the public case parties contradicts the doctrine of the Constitutional Court of the Republic of Lithuania." (See A. Šindeikis. *Constitutional Problems of Depersonalizing Judicial Procedural Decisions*. *Jurisprudencija* No 3)117), 2009, p. 41–58. Summary in English available online < <https://www.mruni.eu/upload/iblock/76c/3sindeikis.pdf> >).*

10.4 Do you edit published decisions? If so, please describe in detail the procedure. In particular, please describe who is in charge of editing, what information is added/removed in the process of editing (incl. metadata).

Publicly announced anonymized decisions essentially are not edited – only the previously mentioned private data is removed and a tag is made, which indicates that particular document is the anonymized version of court's decision. Other collections of published decisions are edited in a previously described way.

10.5 Has the development of the right to be forgotten affected in any way the anonymization or publication of your decisions? If not, is it a topic that is being considered in your jurisdiction with regards to the publication of court decisions?

Due to the fact that in Lithuania the anonymization rule covers any decisions, the development of the right to be forgotten has not sparked any significant considerations that we would like to point out in this report. Nevertheless, one may assume that this subject may be relevant with respect to the judgments of the European Court of Human

Rights (hereinafter the ECtHR) and the Court of Justice of European Union (hereinafter the CJEU). Under general rule the judgments of these courts are not usually depersonalized. The name of the applicant generally is publicly available. Moreover, it is not unlikely that the facts of the case lodged against the state are peculiar and thus have attracted attention from the public. Due to the fact that there is no common practice to depersonalize the judgements of the ECtHR and the CJEU, one may consider whether this practice adversely affects the protection of personal data.

11. On-line publication of decisions

11.1 Are decisions of your instance available on-line? If so, please indicate whether on-line all or only selected decisions are published on-line (if only selected decisions are published, please describe the procedure of their selection).

Under general rule all decisions which have come into force are available on-line. The exceptions to this rule are discussed in previous answers of this questionnaire.

11.2 Describe the form of on-line publication of your decisions. In particular, indicate whether your decisions are published through your own website or whether it is done through some different on-line service (e.g. through a common platform operated by a ministry of justice, by a judicial council etc.) Kindly add also sample screenshot(s) or link(s).

Judicial decisions are published on-line anonymized, through a common platform administered by the Judicial Council (<<http://liteko.teismai.lt/viesasprendimupaieska/detalipaieska.aspx?detali=2>>). Also, there is a private funded search engine and database for published judicial decisions (<<http://www.infolex.lt/tp/>>). In addition to that, decisions on legality of normative acts are published in the national registry of legal acts, which is the official platform for publication of adopted laws (<<https://www.e-tar.lt/portal/index.html>>). Latter decisions and decisions from court's reviews are also published in the web page of the Supreme Administrative Court of Lithuania (<<http://www.lvat.lt/lt/normines-bylos.html>>).

11.3 What are available file formats in which your decisions are available on-line? Apart enumerating particular file formats, kindly indicate whether your instance systematically sticks to any commonly accepted open data policy. Also, please indicate whether your instance publishes on-line only individual decisions or whether whole datasets are available to the public for further re-use. If datasets are available for further re-use but not publically, please describe to whom and under what conditions such datasets are made available.

*Decisions are publicly available in Office Open XML, *.docx format. There are periodic checks by supervisory officers on whether all decisions are published on-line, which ensure that open data policy is followed in practice. Special software has the function on direct inquiry to display which decisions have not been published on-line, so requirements for their availability are usually met. Only individual decisions are available publicly on-line, rest of case material can be reached only by the parties of the case. Its availability is based on the same rules as the previously described availability of non-anonymized decisions and other data in paper format.*

12. Public availability of other documents

12.1 Are there published on-line personal information about members of your instance? In particular, please describe whether there are CVs available, in which length and form (e.g. on a court website) and eventually what information is regularly published (e.g. education,

memberships, political beliefs, marital status etc.) Also, please indicate whether the publication of information about members of your instance is compulsory, whether the members of your instance are free to decide about the structure and content of such information and whether you noted any issues in that regards (e.g. there was a big debate in the Czech Republic over the publication of past membership of the judges in the communist party). Please add a sample link or a screenshot of how such personal information about a member of your instance looks like.

On the court's web page a brief CV of every judge can be found (<<http://www.lvat.lt/lt/struktura-ir-kontaktai/teisejai.html>>). They consist of information about previous work experience and language skills. In addition to this, on the web page of National Judicial Administration information about birth year and birth place of judges is available (<<http://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/teismai-ir-teisejai/teiseju-biografijos/1693>>). Publication of afore-mentioned data is compulsory for presidents of courts, however, in practice this information is displayed about all judges and there have been no significant problems associated with this matter. Besides that, declarations of property and income are publicly announced in the web page of the national revenue service each year, this is compulsory for all judges (<http://www.vmi.lt/cms/metines-gyventoju-seimos-turto-deklaracijos-duomenu-israsai# 48_INSTANCE_3Ni29M7UxCmY=default.aspx>).

12.2 Which case-related documents other than decisions of your instance are published on-line (e.g. dissenting opinions, advocate general submissions, submissions of parties, records of chamber deliberations etc.)? Please, describe how these documents are published, i.e. where and in which format (e.g. on a website through a search form, in open data formats, etc.). If your instance publishes these documents in open formats, kindly provide a sample link to a particular dataset.

*Besides decisions in individual cases, documents from cases on legality of normative acts are published on the court's web page. These usually include petitions to evaluate the legality of particular act. They are published in *.pdf format (<<http://www.lvat.lt/lt/normines-bylos.html>>). According to the official rules on courts' communication with mass media, it is recommended to inform the public (by press releases or other means of communication with mass media) about all steps in processing the cases that can be particularly important for the public. This is usually carried out in a form of press releases. Replies to the requests of mass media must be delivered in one day.*

12.3 Are the members of your instance allowed to publically comment or annotate on their own decisions or other decisions of your instance? If so, please describe common forms in which this is done (e.g. in law journal articles, in public debates on case-law organized by the respective instance etc.)

In Lithuania judges are entitled to provide comments and they have exercised this right on few occasions. In this process judges are bound by judiciary norms of ethics. Article 8 of the Code of Judicial Ethics states that, in respect for principles of justice and impartiality, judges must not express their views on particular ongoing cases. Article 13 prohibits public comments about cases being solved by other judges. However, Article 5 of this Code requires judges to follow the principles of transparency and publicity. According to Article 11, judges have to ensure publicity of their decisions, present reasons for their decisions personally or by press representatives; provide information for the public in accordance with procedure, prescribed by law. According to the Rules on Providing Information about Judicial Activities for the Media (adopted by the Judicial Council), courts provide information for the public by press releases, short commentaries or interviews, in press conferences or other events, by participating in television or radio, publications, legal education, announcing information in courts' web pages, by issuing an electronic newsletter

for subscribers. In practice all these forms of communication occur. Nevertheless, in most of the cases the communication with the media is handled by the court personnel (not the judges themselves) who is in charge of relations with the press.

Part III

13. What trends, threats and challenges do you foresee to come in the field of freedom of information and protection of privacy during the next decade? What should be the role of supreme administrative jurisdictions in facing these trends, threats and challenges?

This kind of question seems to be too broad for answering it with concrete data. Therefore our aim is not to pursue you to fill it with some concrete and clear statement but what we intend is to know your opinion on what trends could or will influence this scope of decision-making of your jurisdiction. Your answer will serve as the basics for further discussion during the third part of the Colloquium and we hope that this “look into the future” will be pleasant and useful ending of the meeting.

We would very appreciate if the presidents of the Supreme Administrative Courts/Councils of States could provide us with answers to this question.

Technological innovation constantly provides new challenges and legal sphere is no exception to this. Undoubtedly, the expanding market of digital services is going to challenge the scope of privacy. When issue of privacy arises due to the provision of digital services, certain problems can be caused by the fact that many companies which may be accused if the lack of protection of personal data operate internationally. Therefore, problems of legal jurisdiction can arise. Supreme administrative jurisdictions can contribute here by initiatives to expand the cooperation, for example, in areas of informing national residents about administrative judicial process in other country, helping foreign courts to receive testimony of nationals using audio-visual communication devices and etc. Supreme administrative jurisdictions could be the initiators to establish such cooperation for administrative law.

Amongst many other factors, in our answer we would also like to emphasize the ones of technical nature. The security can be an important factor for the right to privacy and the right to receive information. Recently Europe has been facing rising threats of information attacks. For example, in Lithuania certain official websites of the state institutions have been shut down (blocked) several times in order to cause distortion and / or check the reliability of the security systems. These are strong indications that in the future the competent bodies will have to strengthen their operational systems (including the courts) in order to guarantee that private data is not accessed by third parties and is not affected by malicious practices.