

Second Study Commission:

1) In your jurisdiction is a court considered to be a data controller for data protection law purpose in all, or any, of the following situations:

a. When performing its juridical functions?

b. For purposes connected with the administration of justice, including the publication of a judgement or court decision, or a list or schedule of proceedings or of hearing in proceedings?

c. For purposes connected with the efficient management and operation of the courts and for statistical purposes?

The courts are considered data controllers in all situations above under the EU's General Data Protection Regulation (GDPR), however their duties are different in extent.

For the efficient management of justice courts are only considered data controllers in terms of processing labour law related personal data, including when organising public competitions for recruitment of employees.

2) In your jurisdiction does a data subject (e.g. a party to litigation, a witness, or a party whose interests may be affected by the litigation) have a right to information regarding the processing of their personal data by or on behalf of the courts?

Yes, they follow the general EU law framework. So far there has not been information on such requests.

3) In your jurisdiction does a data subject whose personal data is published in a court document such as a judgment, have the right to seek rectification of allegedly inaccurate or inappropriately disclosed personal data?

According to Bulgarian law all publicized versions of the judicial acts have to be anonymised. Data subjects have the right to request anonymization of public court records.

4) In your jurisdiction is personal data contained in a judgment or decision of a court, or in a list or schedule of proceedings or hearings, generally made accessible to the public? If so, are there exceptions and what are they? If not, is there a redaction requirement, or alternative requirement, to be implemented before a judgment / list /schedule can be published so as to safeguard the rights of data subjects?

Published versions of all judiciary acts are always anonymised.

The public has access to the names of the parties and other participants in the proceedings only as far as these are called in open court in the loudspeakers in the courts' corridors or if members of the public are physically present in the courtroom. Summons are handed to the parties personally with the exception of summoning through publication or affixing of a letter on the party's door, but in these situation generally the subject matter of the case cannot be inferred from the openly accessible text.

5) How are complaints addressed in your jurisdiction concerning alleged breaches by the courts of the rights of data subjects? Does your jurisdiction have a person or body with special responsibility for the supervision of data processing operations of courts when acting in their judicial capacity?

Every court has a data protection officer who handles such requests and general oversight is provided by the Inspectorate of the Judiciary. Complaints can be filed to both.

Additionally, when a breach occurs, the aggravated party can file a civil compensation claim.

6) In your experience have data protection rules impacted adversely on your judicial independence? If so, how have they done so?

Not so far, although it can have adverse effects if scrutiny powers are abused. The system has some mechanisms to deal with that, including individual immunity of judges from civil or criminal actions against them by private parties, unless there has been intentional criminal activity, and the fact that the body controlling data protection issues is not part of the executive.