

The 2023 questionnaire asks for responses to the following questions:

**1. In your jurisdiction is a court considered to be a data controller for data protection law purposes in all, or any, of the following situations: a. When performing its judicial functions? b. For purposes connected with the administration of justice, including the publication of a judgment or court decision, or a list or schedule of proceedings or of hearings in proceedings? c. For purposes connected with the efficient management and operation of the courts and for statistical purposes?**

A court is considered to be a data controller for data protection law purposes in all of the mentioned situations.

**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, he/she does. A data subject has the right to be informed about the processing of personal data (implemented by publishing information on the court's website); the right to access personal data; the right to demand correction of data; the right to appeal the actions (inaction) of the court, as a data controller.

**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?**

Yes, he/she does. Final acts (decisions, judgements) adopted by the courts, after their entrance into force, are published on a website administered by the National Courts Administration (Article 39 of the Law on Courts of the Republic of Lithuania). Access to this website is public, free of charge, it has search tools. It is important to stress, that decisions/judgements must be depersonalized before their publication. The obligation to anonymize, to publish decisions and exceptions from this rule are detailed in certain legal acts (for example: Order on Public Announcement of Procedural Decisions of Courts and Decisions Made in Disciplinary Cases of Judges, adopted by the Judicial Council by the Resolution No. 13P-146-(7.1.2) of 27/11/2015. Assistant judges upload the depersonalized versions of the courts' decisions to the Lithuanian Courts' Information System (LITEKO) no later than 5 working days after it becomes effective. If an appeal is filed, the depersonalized version of the documents is uploaded to LITEKO no later than 5 working days after it returns from the court of appeal level to the court of first instance. The courts, having transferred the data of pending cases to LITEKO, also carry out the processing and management actions of this LITEKO data. This means that they do not lose the status of case data manager just because this data is transferred to LITEKO. Meanwhile, the administration of LITEKO is delegated by law to the National Courts Administration. It should be noted, that enforcing and monitoring compliance with the legislation on the processing and protection of personal data is part of the organizational work of the court, which is headed by the President of that court. The data subject has the right to apply to the court that adopted the decision with a written request. If any discrepancy or error is detected in the depersonalized version of the decision, it has to be rectified by the court that adopted the decision within no later than 2 workdays. The court, having established that the publicly announced version of the court's decision was improperly depersonalized, removes the inappropriately depersonalized version of the court's decision from LITEKO and uploads the appropriately depersonalized version.

**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?**

Regarding the personal data contained in a judgement, all non-public data is not accessible to the public and courts' decisions are depersonalized before their publication. The following data is not accessible to the public: state secrets, service secrets, professional secrets, commercial secrets, banking secrets and other secrets protected by legal acts; personal identification numbers of natural persons, addresses of permanent residence or domicile, data about the workplace (except in courts' decisions in administrative and labor dispute cases); dates and places of birth, dates of marriage, divorce and death, data on ethnicity, telephone number and e-mail address; data, according to which it is possible to identify the property owned by natural persons or managed by them on another legal basis, such as vehicles' registration numbers, bank account numbers, unique real estate numbers, addresses of the location of this property, other details of the property; other data that make up the case material recognized as non-public by the court's decision or by the law, with the exception of the arguments of the court's decision, which are relevant for the formation of practice of uniform interpretation and application of the law, if leaving them would not violate the goals for which all the material of the case (or part of it) was recognized as non-public. In place of deleted data, the following is written: "(data not published)". If the names and surnames of natural persons are mentioned in the courts' decisions, the names and surnames of natural persons are replaced by initials in the publicly published version – the first letters of the names and surnames of natural persons. This provision does not apply to the names and surnames of judges, court hearing clerks, interpreters, experts, specialists, officials, representatives of state institutions, prosecutors, bailiffs, notaries, attorneys or assistant attorneys, administrators of bankrupt companies or their assistants, the court mediators. The names and surnames of natural persons in the names of legal entities are also replaced by initials – the first letters of the names and surnames of natural persons. The scope of data displayed in the Public search of court hearing schedules (<https://liteko.teismai.lt/tvarkarasciai/paieska.aspx>) is regulated by the Rules on Providing Court Hearing Schedules to Representatives of Public Information Media, adopted by the Judicial Council by the Resolution No. 13P-51-(7.1.2) of 28/03/2014 (<https://www.e-tar.lt/portal/lt/legalAct/86dad500b8d511e3ad2eed5a4e1b7108/asr>). It is established that through the Public search of court hearing schedules the user can obtain the following information: the date, time, place of the court hearing, the number of the court proceeding, the number of the case, the composition of the court, the essence of the case, the event, the result of the court hearing and data of the natural person (name and surname), taking part in the court proceeding, according to whose data (name, surname and date of birth) the search was performed, also the data of other participants in the court proceeding who are legal entities. If the case is being heard in closed court sessions, the names, surnames of the participants, the names and surnames of minors who are taking part in the court proceedings are not publicly available in the court hearing schedules (also are hidden from journalists). In the court hearing schedules which are published in the court premises (inside) following information may be indicated: the date, time, place of the court hearing, the number of the court proceeding, the number of the case, the composition of the court, the essence of the case, the result of the court hearing and data of the participants in the court proceedings (names and surnames of natural persons, legal form, name and code of legal entities), unless otherwise determined by law or by the decision of the judge examining the case.

**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?**

In order to ensure the independence of the judiciary in the administration of justice first of all the judge is responsible that personal data protection rules are applied. When administering justice, judges shall act impartially and obey only the law. Nobody has the right to demand that a judge gives

an account for a decision rendered in a specific case. When administering justice, judges shall be independent from the parties to the proceedings, the court administration, other judges, government institutions, officials, and other persons (Law on courts of the Republic of Lithuania Article 3, paragraphs 2, 3, 4). Interference by any institutions of state power and governance, Members of the Seimas or other officials, political parties, political or public organizations, or citizens with the activities of a judge or court shall be prohibited and shall lead to liability provided for by law (Constitution of the Republic of Lithuania Article 114). Complaints regarding the processing of personal data by the court in the administration of justice shall be examined in accordance with the procedure and conditions established by the laws of the procedure (Rules on the Processing of Personal Data by the Courts paragraph 49). The legality and validity of procedural decisions made by a judge and procedural actions performed may be verified only by the higher court in accordance with the procedure and conditions established by the laws of procedure. No other form of control of court procedural decisions is permissible by law as being contrary to the principle of independence of the court (judge). That means that supervision of data processing by courts when acting in their judicial capacity lies within the judiciary. It should be mentioned, that enforcing and monitoring compliance with the legislation on the processing and protection of personal data is part of the organizational work of the court, which is headed by the President of the court. So, when personal data is processed in court for purposes closely related to the administration of justice (for example organization of court hearings, processing of procedural documents, organization of access to heard case files (matter)), such processing of personal data is supervised by the President of the court and the President of the higher court in accordance with the procedure and terms established by the Regulations of Administration in Courts, adopted by the Judicial Council of the Republic of Lithuania. The procedure for implementing the rights of data subjects is established by the Rules on the Processing of Personal Data by the Courts, adopted by the Judicial Council of the Republic of Lithuania (<https://www.e-tar.lt/portal/lt/legalAct/3db78a20b0e811e88f64a5ecc703f89b>). When personal data is processed by courts when they are acting in their judicial capacity, personal data is processed in accordance with the procedure and conditions established by the laws of procedure and the Rules on the Processing of Personal Data by the Courts apply to the extent that the laws of procedure do not provide otherwise. Actions or inaction of the court related to the implementation of the data subject's rights may be appealed to the President of a higher court in accordance with the procedure and terms established by the Regulations of Administration in Courts. Complaints regarding the processing of personal data by the court in the administration of justice shall be examined in accordance with the procedure and conditions established by the laws of the procedure (Rules on the Processing of Personal Data by the Courts paragraph 49).

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

There is no information about such cases