



A case initiated with respect to norms that envisage that information about the remuneration of the officials and employees of state and local government institutions must be published on the homepages of these institutions and kept for at least eight years

On 29 June 2018, the 3rd Panel of the Constitutional Court initiated the case “On Compliance of Para 1 and Para 2 of Section 3 (9²) of the law “On Remuneration of Officials and Employees of State and Local Government Authorities” with Article 96 of the *Satversme* of the Republic of Latvia.

The Contested Norms

Para 1 and Para 2 of Section 3 (9²) of the law “On Remuneration of Officials and Employees of State and Local Government Authorities”:

“To ensure that the human right to the freedom of speech, enshrined in Article 100 of the *Satversme*, including openness of information, is respected and effectively exercised as conveniently as possible for private persons, the remuneration of all employees of the state and the local governments shall be made totally transparent to the public in the following procedure:

1) the remuneration and other amounts of money that they are entitled to of all officials and employees of an institution shall be published every month on the Internet homepage of the institution, indicating the name, surname, position and the calculated amount, unless the law provides otherwise;

2) the information about the calculated remuneration and other amounts of money that they are entitled to of the officials and employees of the institution shall available on the Internet homepage of the institution for at least eight years. If the institution is liquidated, the accessibility of this published information until the expiry of the set term shall be ensured on the Internet homepage of a higher institution”.

The Norm of Higher Legal Force

Article 96 of the *Satversme*: “Everyone has the right to inviolability of his or her private life, home and correspondence”.

The Facts of the Case

The case has been initiated on the basis of an application by the employees of a number of state established higher education institutions. The contested norms envisage that the information about, *inter alia*, the remuneration of employees of state established institutions of higher education, as well as other monetary amounts that they are entitled to, must be published on the Internet homepages of the respective higher education institutions and that this information must be kept on the homepage for at least eight years. The applicants hold that such publishing of information and its prolonged availability on the Internet, which identifies the particular person and characterises his financial situation, restricts their fundamental rights enshrined in Article 96 of the *Satversme*.

It is alleged that the restriction had not been introduced by a law adopted in due procedure, because in the adoption of the law the objections made by the President of the State, other institutions and persons against such a restriction on fundamental rights had not been taken into account. The restriction is said to lack a legitimate aim, because society, allegedly, forms an impression about the expenditure of the state budget resources also in the case if the name, surname and position, and other information that directly identifies a person are not published on the homepage of the institution of higher education. Moreover, the legitimate aim for keeping the information on the homepage of the institution of higher education for so long is said to be unsubstantiated and incomprehensible.

Likewise, it is alleged that the restriction is not proportionate. Even if the contested norms had a legitimate aim, they would not be appropriate for reaching such an aim. Allegedly, it is possible to ensure the public interests in the same quality by other measures, less restrictive upon the rights of employees of institutions of higher education. Moreover, the benefit gained by society does not exceed the harm inflicted on the applicants' rights and lawful interests.

Legal Proceedings

The Constitutional Court has requested the *Saeima* to provide a written reply on the facts of the case and legal substantiation by 29 August 2018.

The term for preparing the case is 29 November 2018. The Court shall decide upon the procedure and the date for hearing the case after the case has been prepared.

The press release was prepared with the aim to facilitate understanding of the cases heard by the Constitutional Court. It shall not be regarded as part of the ruling and is not binding to the Constitutional Court. The judgements, decisions and other information regarding the Constitutional Court are available at the homepage of the Constitutional Court www.satv.tiesa.gov.lv.

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