



A case initiated with respect to regulation of the Civil Procedure Law that establishes the obligation to indicate the defendant's declared place of residence in the statement of claim

On 13 November 2017, the 2nd Panel of the Constitutional Court initiated the case “On Compliance of Section 26 (1), the First Sentence of Para 1² of Section 128(2) and Para 6 of Section 132 (1) of the Civil Procedure Law, insofar they Set the Obligation to Indicate in the Statement of Claim the Declared Place of Residence of the Defendant, with Article 96 of the Republic of Latvia”.

The Contested Norms

Section 26(1) of the Civil Procedure Law: “Actions against natural persons shall be brought before a court based on their declared place of residence.”

The first sentence of Para 1² of Section 128 (2) of the Civil Procedure Law provides, *inter alia*, that in the statement of claim the given name, surname, personal identity number, declared place of residence of the defendant must be indicated, but, if none, the place of residence.

Para 6 of Section 132 (1) of the Civil Procedure Law provides that a judge refuses to accept the statement of claim if the case is not within the jurisdiction of the respective court.

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

The case was initiated in regard to an application submitted by the Department of Administrative Cases of the Supreme Court (hereinafter – the Supreme Court). The Supreme Court is reviewing a case, in the framework of which an association requests

imposing an obligation upon the Office of Citizenship and Migration Affairs to provide information on the personal data of a number of natural persons. The association substantiates the request of such information with the wish to submit to a court of general jurisdiction a statement of claim against these persons, claiming compensation for losses. It follows from the regulation of the Civil Procedure Law that a person, who wishes to bring a civil claim to a court, must find out the place of residence of the possible defendant, to indicate it in the statement of claim and to turn to the relevant court according to jurisdiction.

The Supreme Court holds that alongside the right to appropriate access to court, also the right of all persons to inviolability of private life must be protected. The declared place of residence is said to be important information falling within the concept of private life, whereas the contested norms, to the extent they require processing of the data on place of residence of possible defendants - natural persons, do not envisage alternatives for submitting a statement of claim. Allegedly, this violates a person's right to inviolability of private life enshrined in Article 96 of the *Satversme*.

Legal Proceedings

The Constitutional Court has requested the *Saeima* to provide a reply on the facts of the case and legal substantiation by 15 January 2018.

The term for preparing the case is 13 April 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 actual facts of the case. It shall not be regarded as part of the judgement 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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