



Satversmes tiesa

Press Release

Case No. 2022-09-01

03.03.2022.

A case initiated with respect to a norm that provides that information about an acquitted person is stored in the archives database of the Punishment Register

On 1 March 2022, the 4th Panel of the Constitutional Court initiated the case “On Compliance of Para 1 of Section 23 of the Punishment Register Law, insofar it applies to information about an acquitted person, with Article 96 of the *Satversme* of the Republic of Latvia”.

THE CONTESTED NORM

Para 1 of Section 23 of the Punishment Register Law provides that information regarding a person whose criminal record has been cleared or removed, against whom the initiated criminal proceedings have been terminated, regarding an acquitted person, regarding a person on whom the imposed compulsory measure of correctional nature has been executed, a person on whom the imposed compulsory measure of medical nature has been revoked - for one year after information has been received from the Population Register regarding the person's death, however no longer than 100 years after the person's birth, shall be stored in the archives database of the Register.

THE NORM OF HIGHER LEGAL FORCE

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

THE FACTS

The case has been initiated on the basis of an application by the Administrative District Court. The Administrative District Court is reviewing a case, initiated on the basis of an application by a person who had been acquitted in a criminal case. The acquitted person requests the Administrative District Court to recognise as unlawful the actual actions by the Information Centre of the Ministry of the Interior, i.e., storing information about this person in the archive database of the Punishment Register, and to compensate to the person non-pecuniary damages.

The Administrative District Court notes that, pursuant to the contested norm, information about an acquitted person must be stored in the archive database of the Punishment Register for the entire lifetime of this person. It is alleged that such legal regulation disproportionately restricts a person’s right to inviolability of private life, included in Article 96 of the *Satversme*, since it is incompatible with the aims for which the Punishment Register had been established and the principles of processing a natural person’s data in the area of criminal law.

LEGAL PROCEEDINGS

The Constitutional Court has requested the *Saeima*, the institution, which issued the contested act, to submit to the Constitutional Court **by 2 May 2002** a written reply, presenting the facts of the case and legal substantiation.

- The term for preparing the case is **1 August 2022**.

The Court will decide on the type of proceedings for hearing the case and the date after the case has been prepared.

- The decision on initiating the case is available here:

https://www.satv.tiesa.gov.lv/wp-content/uploads/2022/03/2022-09-01_lemums_par_ierosinasanu.pdf

The press release was prepared to inform society about the Constitutional Court's work. More detailed information about recent developments, cases initiated and heard by the Constitutional Court is available on the Constitutional Court's webpage www.satv.tiesa.gov.lv. Please follow also information published on the Court's *Twitter* account [@Satv_tiesa](https://twitter.com/Satv_tiesa) and *Youtube* [channel](#).

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