



This Affects You appeal to the Constitutional Court of
Georgia

**MIA's right to copy mobile and internet
providers' databases**

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Lika Sajaia, Transparency International Georgia

Subject of dispute

Sub-article (B) of Article 8³ (1) of the Law on Electronic Communications:

The technical-operative department of the Ministry of Interior has the right to copy and save identity-revealing information from communication channels for a period of two years.

Information which the Ministry of Interior can retrieve without authorization of the court

- who you are communicating with;
- when the call began and its duration;
- the location of you and the person you are talking to;
- which websites you visit;
- who you are talking to through the internet;
- where you are located while browsing the internet.

Scale of violation of rights

Legislation that is general and stifles everyone's rights:

- Legitimate reason
- Proportionality

Respective articles of the Constitution

Article 20 of the Constitution of Georgia,
which guarantees the inviolability of a citizen's private life,
place of personal activity, personal records,
correspondence, communication by telephone or other
technical means, as well as messages received through
technical means.

Respective articles of the Constitution

Article 41 (2) of the Constitution of Georgia,
which states that the information existing in official documents
pertaining to an individual's health, finances or other private
matters, shall not be accessible to anyone without the consent
of the individual in question except in the cases determined by
law, when it is necessary for ensuring the state security or
public safety, for the protection of health, rights and freedoms
of others.

Respective articles of the Constitution

Article 16 of the Constitution of Georgia,
which states that everyone has the right to free
development of his/her personality.

Countries where data retention has been declared as unconstitutional

- Bulgaria - 2008
- Romania - 2009
- Germany - 2010
- Czech Republic - 2011
- Cyprus - 2011
- Slovakia - 2014
- Austria - 2014

Decision of the European Court of Human Rights

On 8 April 2014, the decision of the European Court of Human Rights stated that Directive 2006/24 EC violates EU Charter of Fundamental Rights (**right to private life**) and was thus declared invalid.

Data retention on unjustified grounds – violation of human rights

General and blanket data retention does not conform with the principle of proportionality. Contractual and approved data retention should be allowed only on objective grounds (such as solving grave crimes).

Thank you for your attention!

