NEJVYŠŠÍ SPRAVNI SOUD

Colloquium organized by Supreme Administrative Court of the Czech Republic and ACA-Europe

Provide or Protect? Administrative courts between Scylla of freedom of information and Charybdis of protection of privacy.

Prague, 29-31 May 2016

Answers to Questionnaire: Slovenia

Colloquium co-funded by the “Justice” programme of the European Union

Provide or Protect? Administrative courts between Scylla of freedom of information and Charybdis of protection of privacy
(Questionnaire & Answers)

Report – Slovenia

Part I

1. ***Is the central administrative supervision over providing information and protection of personal data carried out by one administrative authority or are there specialized authorities for each of these fields or is there an absence of such an authority in any of these areas? Does the chosen model cause any application problems?***

According to *Access to Public Information Act*[1] (hereinafter: *APIA*) and more especially under *Information Commissioner Act*[2], the Information Commissioner (hereinafter: IC) is the central body, which supervises the access to the public data. It does not mean that IC provides the public data, but it organises and supervises access to them. Namely, all public bodies, i.e. of all three authorities – legislative, executive and judicial – are under the duty to allow direct access to public information. The same is true for business entities, which are under prevailing influence of the public bodies. This means, that IC is an umbrella body, responsible for the supervision to the access to public data in all fields, being environmental data, data of any executive offices, ministries, public employees, etc.

The same IC is also responsible for the supervision of protection of personal data. The chosen model, according to our knowledge, is not raising any difficulties. Above all, IC, is, as a central body, enabled to be acquainted to all possible misuses, violations or other problems in the practice. The public also accepted it as an administrative body, which can answer different questions, from different fields, etc., regarding public information, the access to them and regarding the protection of privacy in respect personal data.

2. What types of information are excluded from providing? Is there one regime regarding all exclusions or is there any differentiation – e.g. absolute exclusion and relative exclusion?

Indeed, access to certain information is denied or restricted. The access to requested information shall be denied, if the request relates to:

- information which is defined as classified;
- information which is defined as a business secret in accordance with the Act governing companies;

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[1] OJ of the RS, Nr. 24/2003, 61/2005, 113/2005 - ZInfP, 109/2005 - ZDavP-1B, 28/2006, 117/2006 - ZDavP-2, 23/2014, 50/2014, 72/2014 - skl. US, 19/2015 - odl. US, 102/2015. Off. abrev. ZDIJZ.

[2] OJ of the RS, Nr. No. 113/2005. Art. 2 of this act defines:

(1) The Information Commissioner is an autonomous and independent state body, competent for:

- deciding on the appeal against the decision with which a body refused or dismissed the applicant's request for access or violated the right to access or re-use of public information in some other way, and within the frame of appellate proceedings also for supervision over implementation of the Act regulating the access to public information and regulations adopted there under,
- inspection supervision over implementation of the Act and other regulations, governing protection or processing of personal data or the transfer of personal data from Slovenia, as well as carrying out other duties, defined by these regulations,
- deciding on the appeal of an individual when the data controller refuses his request for data, extract, list, examination, confirmation, information, explanation, transcript or copy in accordance with provisions of the Act governing personal data protection.

(2) The Information Commissioner is a violations body, competent for supervision over this Act and the Act governing personal data protection.

(3) The Information Commissioner has the following competencies:

- organizes and manages the work of all employees, including the national supervisors for personal data protection;
- carries out other competencies of the head of the state body;
- conducts supervision in accordance with the Act governing personal data protection.

- personal data the disclosure of which would constitute an infringement of the protection of personal data in accordance with the Act governing the protection of personal data;
- information the disclosure of which would constitute an infringement of the confidentiality of individual information on reporting units, in accordance with the Act governing Government statistics activities;
- information the disclosure of which would constitute an infringement of the tax procedure confidentiality or of tax secret in accordance with the Act governing tax procedure;
- information acquired or drawn up for the purposes of criminal prosecution or in relation to criminal prosecution and the disclosure of which would prejudice the implementation of such procedure;
- information acquired or drawn up for the purposes of administrative procedure, and the disclosure of which would prejudice the implementation of such procedure;
- information acquired or drawn up for the purposes of civil, non-litigious civil procedure or other court proceedings, and the disclosure of which would prejudice the implementation of such procedures;
- information from the document that is in the process of being drawn up and is still subject of consultation by the body, and the disclosure of which would lead to misunderstanding of its contents;
- information on natural or cultural value which, in accordance with the Act governing the conservation of nature or cultural heritage, is not accessible to public for the purpose of protection of (that) natural or cultural value;
- information from the document drawn up in connection with internal operations or activities of bodies, and the disclosure of which would cause disturbances in operations or activities of the body.

Without prejudice to the above list, the access to the requested information is sustained, if public interest for disclosure prevails over public interest or interest of other persons not to disclose the requested information, except in the next cases:

- for information which, pursuant to the Act governing classified data, is denoted with one of the two highest levels of secrecy;
- for information which contain or are prepared based on classified information of other country or international organization, with which the Republic of Slovenia concluded an international agreement on the exchange or transmitting of classified information.
- for information which contain or are prepared based on tax procedures, transmitted to the bodies of the Republic of Slovenia by a body of a foreign country.

Also, without prejudice to the above list, the access to the requested information is sustained:

- if the considered is information related to the use of public funds or information related to the execution of public functions or employment relationship of the civil servant, except in some particular cases
- if the considered is information related to environmental emissions, waste, dangerous substances in factory or information contained in safety report and also other information if the Environment Protection Act so stipulates.

APIA, as noted above, regulates exclusions, i.e. information that are excluded from free access. Basically, it is one regime regarding all possible exclusions; however, if there is prevailing or overriding public interest, than certain exclusions are to be denied.

3. Are there any types of subjects governed by private law that have duty to provide information? If the answer is affirmative, what kind of subjects and what kind of information?

Indeed, Article 1.a of *APIA* stipulates that certain business entities, that are subject prevailing influence of the public law entities, are also under the duty to provide information. This article foresees that everyone shall have free access to (and re-use of public information) held by companies and other legal entities of private law but subject to direct or indirect dominant influence, individually or jointly, of the Republic of Slovenia, self-governing local communities and other entities of public law.
The condition of the dominant influence is fulfilled when the Republic of Slovenia, self-governing local communities or other entities of public law, individually or jointly:

- are able to exercise dominant influence on the basis of the majority proportion of the subscribed capital, or have the right to supervise the majority, or are entitled to naming more than half of the members of management body or supervisory authority in a company, directly or indirectly through another company or other legal entity of private law, or

- act as founders in another legal person governed by private law that is not a company, directly or indirectly through another company or other legal entity of private law.

A business entity subject to the dominant influence of entities of public law is liable to enable access to public information, which was created at any time during the existence of dominant influence of entities of public law. The purpose of is to increase transparency and responsible management of public resources and financial resources of business entities subject to dominant influence of entities of public law.

4. Are the salaries of the employees of the public sector subject to the right to free access to information as well? Does this cause any application problems regarding the personal data protection?

Yes, indeed! There are decisions of IC based on *Information Commissionaire Act* and APIA in relation to *Personal Data Protection Act* in which the IC decided that salaries of public employees are part of the free access to date. The IC claimed that otherwise supervisory function of public expenditure is not possible or at least is not fully effective. This approach has caused problems, at least at the beginning of such approach; namely, public bodies, responsible to allow the access to public information, hesitated to give free access to the data of the salaries on the employees in the public sector. They did not want to include the names of the employees to the information on salaries. However, as indicated above, the IC was of different opinion. See decision of the IC, Nr.: 090-14/2009/4 of 25.02.2009.

5. Is the trade secret excluded from the free access to information?

Yes, according to Art. 6, paragraph 1, point 2 of *APIA* information which is defined as a business secret in accordance with act governing companies is exempted from the free access. However, paragraph 3 of the same article sets forth that this is not possible, if the information considered relates to the environmental emissions, waste, dangerous substances or information contained in safety report and also other kind of similarly information if the Environmental Protection Act so stipulates.

6. Are documents that are subject of intellectual property excluded from the free access to information?

The answer here is also positive, but, importantly, it relates to re-use. The IC shall deny the applicants request to reuse information if the request relays to information protected by intellectual property right of third parties. This means that prohibition relates to the re-use of information, not to the access. There is no decision of the IC that would address this as an issue. Among only few decision one can find one in which the access to intellectual property public based decisions was not questioned.[3] However, according to the database of the IC decisions, the IC has never been faced to reveal information that would be the substance of the IP right, like for instance the ingredients of certain newly invented product or procedures for certain innovation etc.

7. Does the right to free access to information cover as well the parts of an administrative file that contain data related to individuals or are these data protected? In which areas of public administration does this cause problems?

The answer here is positive. Personal data needs to be respected in the whole file or text of the public act. This causes different problems. Sometimes the anonymization is *de facto* not possible. For instance, if a public file includes personal data throughout the whole text, then it is not possible even with the erasure of personal data not to reveal the individual. Further on, sometimes the requested data are self-identified for certain individual (for instance, if question asked would itself relate to certain individual). As answered above under question Nr. 4, questions regarding personal data and the salaries, also cause problem.

Personal data for individuals employed in the public sector, are regulated under Arts. 8 and 9 of the *Personal Data Protection Act.*[4] These articles are to be understood that personal data, as protected also under Art. 6 of

[3] See in this respect decision of the IC Nr. 090-157/2015 of 15.7.2015.

[4] Uradni list RS, št. 86/2004, 113/2005 - ZInfP, 51/2007 - ZUstS-A, 67/2007.

AIPA shall be understood as only relatively protected; namely, public officials or public employees have to reframe from certain level of privacy and to allow that some of their personal data. These individuals cannot define themselves, which personal data can be accessible and which not. In another words, the personal data (like name and surname) can be revealed, if these data are related to the use of public funds (for instance, for salaries, honorariums, etc.). This is due to third paragraph of Art. 6 APIA, the access to personal data can be assured, if they are related to public expenditure. In addition, paragraph 2 of the same Art. 6, defines that certain exceptions from the access to personal data, can be given if the public interest of revealing them is more important than the interests of this concrete individual.[5]

8. Are data related to criminal proceedings or administrative delict proceedings or any data of quasi-criminal nature (typically files of secret police departments from the times of anti-democratic past) excluded from the right to free access to information?

Certain data related to criminal proceedings are directly regulated under Art. 7a of *APIA*. This provision foresees that certain personal data can be revealed, but under certain conditions. In criminal proceedings regarding criminal offence prosecuted *ex officio*, information from a written charge on the name of the accused, the type of the criminal offence, estimated proceeds of crime and material damage sustained by the business entity subject to dominant influence of entities of public law, concerning a member of administrative or management body or other representative or supervisory authority of the entity liable, if a criminal offence is in direct connection to the performance of work or duties, is considered to be a public information upon a final decision on investigation or upon a final written charge, if the investigation was not required or introduced, or upon service of the statement of written charge to the accused, except if revealing of such data would harm the court or investigation procedures.

Apart from that personal data, like names of accused person, data can be revealed and access allowed, if these person are public persons or are persons employed by public authorities. In this case the exception of third paragraph Art. 6 APIA is also possible (i.e. data that are related to the public expenditure).[6]

Part II

9. Public availability of decisions

9.1 Are there any sorts of decisions in your jurisdiction that are not published at all (e.g. decisions with classified status or other decisions with restricted access)? If so, please describe typical cases and give indicative statistic that can illustrate the frequency and relevance of such cases.

The answer here is negative. *APIA* does not foresees any kind of decisions that shall not be published at all. As answered above under question no. 2 (part I), there might be derogations that relates to acts, i.e. decisions of the public authorities, if the case concerns secrecy classified information. Apart from that, there is no acts or group of acts that shall not be part of the public access to them.

9.2 If a third person (not a party of respective case) wants to obtain your decision, what is the procedure? On-line availability of decisions is to be discussed below, so kindly describe here only other options (e.g. whether it is possible to ask for a decision by snail-mail, whether any fee apply etc.)

According to APIA (Arts. 8., 9., 10 and 10a), the whole public sector, including private entities, which are under the prevailing influence of public identities, shall prepare a catalogue of public data, i.e. the list of data that are processing. This list (not the data itself) shall be published on their internet sites in order for individual to be informed which data are accessed and controlled by certain public body.

This is one part and one obligation. The other part refers to individuals that are looking for public information. In this case individuals needs to be active. How they can ask and request public data is regulated under *APIA*, under heading 4. The request can be filled in written, not using any form, also orally.[7]

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[5] The decision of IC, no. 090-263/2015 (07.01.2016) is well argumented also in this respect.
[6] The decision of IC, No. 090 – 122/2015, 4.06.2015.
[7] See Arts. 12-18 of *APIA*.

In general, access to public information is free of charge, but costs for copying, disseminating, etc. can be charged if the exceed of 20 EUR (VAT included).[8]

9.3 Is there any official collection of selected decisions of your instance (apart on-line publication of decisions – see below)? If so, please describe in detail the procedure of its issue. In particular, please focus on the selection process of decisions that are to be published, the frequency of publication and the form of publication. Indicate, whether the collection is published directly by your instance, by some other public body or by an independent publisher. If the collection is published by an independent publisher, please describe the form of cooperation (i.e. whether the publisher has exclusive rights to publish the collection, whether the publisher does any editing of published decisions etc.) Are decisions that are chosen for the publication regarded more relevant by your instance or by general public?

All decisions of the Supreme Court are published at the web site of Slovene court practice, jurisprudence (www.sodnapraksa.si). The decisions can be published once anonymised. Apart from the web publications the most important decisions are published (but this is not mandatory), in the form of collection of decisions in books. Prior to the web publication, this was the only official publication of decision available to the public. It was done by the courts themselves. For a decade or so, the courts decisions are also published by some other commercial entities, which, obtaining the access to reuse of public information, offer the access to the decisions together with statutes/acts and their articles, which are applicable in the decisions. This is the added value and benefit which is not given by the IT service of the courts themselves. These publishers do not have exclusive rights, but they can access to these documents by way of the right to re-use of public information. They are also editing court decisions (the form is a bit different from in cases of official publication by the courts themselves). The decisions are not chosen for the publications regarded being more or less relevant. They are all published.

10. Editing and anonymization of decisions

10.1 Do you anonymize published decisions? If so, please describe in detail the procedure. In particular, please describe who is in charge of anonymization, whether there are any particular statutory or other rules governing anonymization (apart general privacy/data protection rules) and what data are anonymized.

The published decisions are anonymised. All personal data are deleted. This is also true for the data that might revealed the individual. The same is true for private entities. Every judgment, every decision needs to be opened, read through and personal data deleted and erased. his process is done by the courts themselves. The work is done by judicial consultants (referendaires).

10.2 If anonymization practice changes, does it affect already published decisions (i.e. are past decisions subsequently anonymized/de-anonymized with every change of anonymization rules)?

Actually, this is not the case so far. From the very beginning of possibility to access the court's decision, these needed to anonymised, and this is still the case.

10.3 Describe any subsequent problematic issues that you noted in your jurisdiction regarding the anonymization (e.g. different practices of different supreme instances, strong public debates, impact of de-anonymization of decisions by media etc.)

Indeed, we noticed several problems; for instance, in some cases, which are well known to public (usually by media reporting), the anonymization is not to really effective. Even though that names, surnames and other data, which are related to personal data might reveal the person behind, are erased. Other circumstances of the

[8] See Art. 34 of *APIA*.

case will still give enough information to the reader (public), to recognise the case and also the persons in it. We noticed also another interesting problem, which occurs every time, when the Constitutional Court of the RS or, the Court of justice of the EU, also decides certain case. Both courts are publishing their judgments without any anonymization and once these cases return to the regular court (by way of preliminary ruling decision), it is rather quite clear who are the persons mentioned in these cases. Namely, not only that the circumstances and legal issues are the same, but the decision of regular court will make reference to the decision of the European Court of Justice, preliminary ruling decision, or to Constitutional court decision (if the Constitutional Court return the case to be a newly decided by regular court). In these cases the anonymization is still performed, however, it does not have any particular effect.

10.4 Do you edit published decisions? If so, please describe in detail the procedure. In particular, please describe who is in charge of editing, what information is added/removed in the process of editing (incl. metadata).

The anonymization of judicial decision is made by *referendaires* (legal consultancies). Basically, every legal consultant receives certain number of the decisions that have to be anonymized and than inserted in the data-base. The whole file is received by the legal consultant in actual, physical form and also in electronical form. Basic personal data, like names and surnames, have been erased already by clerks (persons without legal education), but legal consultancies are than, further on, checking the whole case, the whole text of the judgment and they are checking all possible details which can reveal the identity of a certain person. Legal consultancies needs to have legal education, also the state-law-exam.

The whole case is than checked by judge, I.e. a judge of the High court, which is employer by Registry Department of the Supreme Court (Evidenčni oddelek). The main goal of the anonymization is, that the person to which the decision refers, is not revealed and recognised in the published decision or judgement. Within that purpose, all judgments needs to be free of any names of parties and other persons that are mentioned in the decision. This has to be done before any kind of publication. Also, numbers of parcels, spots etc or other data which might enable the persons mentioned in the decisions need to be erased.

With the anonymization the case is still not over. In addition, it is necessary to prepare certain core sentences of the decision for the purposes of its publication. This core sentences shall include the most important viewpoints and arguments of the courts decisions. Not only this, but all important legal institutes are searched and taken out of the judgment as the key words which enable easier searching by the search engines. This is not all. There are also additional information given. Apart from the court sentences and legal institutes, the numbers of articles which certain decision or judgement apply are also listed before the text of the judgement begins. This is especially important since market based companies, which also publishes court decisions and jurisprudence, offer the list of judgments that are linked to certain article of certain act. This means that the user, once opens certain act, can find besides the articles the list of all decisions, which refer to certain article. This is of substantial value for the users. However, this option is given only to pre-payed applications (by market-based companies). The courts only publish the jurisprudence, with all above-mentioned data, but without acts and articles being linked to decisions.

10.5 Has the development of the right to be forgotten affected in any way the anonymization or publication of your decisions? If not, is it a topic that is being considered in your jurisdiction with regards to the publication of court decisions?

The right to be forgotten (not being really invented by the European Court of Justice with these same words; case Google Spain), have not influenced the Slovenian practice of the anonymization. Namely, from the very beginning the court's decisions has been anonymized in a very detailed manner (as described above under 10.4). Having this approach performed all the time, excluding the names from the decision, the search engines cannot utilise the name as search data. Hence, there is no danger that certain data can be linked to certain person i.e. his name or surname.

11. On-line publication of decisions

11.1 Are decisions of your instance available on-line? If so, please indicate whether on-line all or only selected decisions are published on-line (if only selected decisions are published, please describe the procedure of their selection).

In principle all court decisions are published on-line. However, if there are more court decisions which refer to the same legal issue and factual background, that newly arrived decision are not necessarily published.

11.2 Describe the form of on-line publication of you decisions. In particular, indicate whether your decisions are published through your own website or whether it is done through some different on-line service (e.g. through a common platform operated by a ministry of justice, by a judicial council etc.) Kindly add also sample screenshot(s) or link(s).

There are several possibilities to gain access to the published court decisions. The one on-line site that is managed by the Registry Department of the Supreme Court is totally free of charge. This can be found on the web page https://www.sodnapraksa.si/

The web page is easily remembered – it uses word jurisprudence in Slovene language. This web address offers free access to all jurisprudence. In addition, there is a business information register managed by the Government of the RS (PIRS; http://www.pisrs.si/Pis.web/sodnaPraksaRS), but this register uses the above-mentioned base managed by register of Supreme court. This means that even if one is searching for the jurisprudence on business register (PIRS), it will still get the results from the base of the register of the Supreme Court.

In addition to the above, there are two pre-payed accesses, managed by two market base companies, IUS INFO (http://www.iusinfo.si/) and TAX FIN LEX (http://www.tax-fin-lex.si/). These companies offer some additional services (as described above under 10.4). They are basically using a possibility to re-use public available information (court decisions), but then they add certain services, like links between certain court decision and article of certain act, whereas the article was used as a legal base in the court decision. This enables users to more advance search, faster search and better results. These two commercial based accesses are in principle used by expert public and not so much by wider public, which is due to the market based, i.e. payable, approach.

11.3 What are available file formats in which your decisions are available on-line? Apart enumerating particular file formats, kindly indicate whether your instance systematically sticks to any commonly accepted open data policy. Also, please indicate whether your instance publishes on-line only individual decisions or whether whole datasets are available to the public for further re-use. If datasets are available for further re-use but not publically, please describe to whom and under what conditions such datasets are made available.

The web site Slovene jurisprudence, managed by the Supreme Court, publishes all decisions in html form, but can also be saved in the pdf form. This public link is therefore accessible, free of charge, in html and also pdf format. This is true for the whole data set, i.e. for all decisions by the Administrative Court, also Administrative department of the Supreme Court. These courts' decisions are also available for the re-use. Of course, before any re-use all decisions need to be anonymized also. For two commercially based accesses, as described above under 11.2, decisions are published also in pdf format. Nevertheless, both format, html and pdf, make possible printing function of the decisions or saving them.

12. Public availability of other documents

12.1 Are there published on-line personal information about members of your instance? In particular, please describe whether there are CVs available, in which length and form (e.g. on a court website) and eventually what information is regularly published (e.g. education, memberships, political beliefs, marital status etc.) Also, please indicate whether the publication of information about members of your instance is compulsory, whether the members of your instance are free to decide about the structure and content of such information and whether you noted any issues in that regards (e.g. there was a big debate in the Czech Republic over the

publication of past membership of the judges in the communist party). Please add a sample link or a screenshot of how such personal information about a member of your instance looks like.

Public availability of other documents are more restricted. With respect to the judges, only their names and surnames are published on the web site (in the list of the employees of the courts). The same is true for legal consultants, i.e. *referendaires*, as well as technicians employed by the courts. Another document where one can find name and surnames of the judges is an annual plan. Namely, the president of each court has to issue an annual plan of adjudicating schedule. This document is also published on internet. Apart from these two cases, any data on judges is not possible to find (like phone numbers, numbers of the premises, rooms, etc). These data are not published. The same is true for their CVs, information on their education, memberships, political believes, marital status, etc. The system, which data are published on internet, or else were in the court open access documents, is managed by the Supreme Court and it is applicable for all courts, regular courts and administrative courts, since the president of the Supreme Court is also the person in charge for all other courts. Here, in this web page http://www.sodisce.si/usrs/zaposleni/seznam_zaposlenih/, on which one can find an example of a list of employees. This kind of list is available for every single court in Slovenia.

12.2 Which case-related documents other than decisions of your instance are published on-line (e.g. dissenting opinions, advocate general submissions, submissions of parties, records of chamber deliberations etc.)? Please, describe how these documents are published, i.e. where and in which format (e.g. on a website through a search form, yes in open data formats, html etc.). If your instance publishes these documents in open formats, kindly provide a sample link to a particular dataset.

In principle, case related documents are not published. Only judgments are published and before their publication, they need to be anonymized. Any kind of deserting opinion or advocate general submission, all are not part of Slovenian system. This is true for regular courts, but the system is different at the Constitutional Court. There dissenting opinions are possible and quite usual. The Constitutional Court publishes also the dissenting opinions. Advocate general submissions on the other hand is something that it is unknown in Slovenia.

Submission of the parties, the records of chamber deliberations, etc. are also not part of public available information. They are not published. Apart from that, decisions to refer a question to the European Court of Justice (preliminary ruling procedure), is also a document that is publically available and published. In addition, all decisions which temporary interrupts the procedure, like involving the Constitutional Court to judge on the legality of certain act, are also published. The same is true for courts opinions (not judgements), which can be adopted within the certain pending case or outside it for the sake to unify jurisprudence.

In this web page http://www.sodnapraksa.si/ one can find a search-form and it is at the same time the starting page of the Slovene jurisprudence.

12.3 Are the members of your instance allowed to publically comment or annotate on their own decisions or other decisions of your instance?

This is not specifically prohibited, like in the US (Code of Conduct for US Judges – which foresees that a judge should not make public comment on the merits of a matter pending or impending in any court. Further on a judge should require similar restraint by court personnel subject to the judge's direction and control. The prohibition on public comment on the merits does not extend to public statements made in the course of the judge's official duties, to explanations of court procedures, or to scholarly presentations made for purposes of legal education).

There is no similarly wording provision in the RS. If anywhere, it should be part of the *Judicial Service Act*.9 However, there are rules requiring independence of the judges. This is sets forth in the mentioned act on judicial service, Art. 2, as well as under the Codes of Judicial Ethic, Art. II. The most debated example so far was a case where one judge of the Constitutional Court debated issues that expressed his political believes.

Part III

13. What trends, threats and challenges do you foresee to come in the field of freedom of information and protection of privacy during the next decade? What should be the role of supreme administrative jurisdictions in facing these trends, threats and challenges?

This kind of question seems to be too broad for answering it with concrete data. Therefore our aim is not to pursue you to fill it with some concrete and clear statement but what we intend is to know your opinion on what trends could or will influence this scope of decision-making of your jurisdiction. Your answer will serve as the basics for further discussion during the third part of the Colloquium and we hope that this "look into the future" will be pleasant and useful ending of the meeting.

We would very appreciate if the presidents of the Supreme Administrative Courts/Councils of States could provide us with answers to this question.

One cannot fail to observe that after relatively small number of requests relating to access to public information app. a decade ago, i.e. after *APIA* entered into force, increases constantly since then. In the last decade, the trend to use public information in media also increases. Especially the media is the sphere, which uses the public information as a source of their information, being further on used for dissemination and commercial use. The demands and the requests are usually more extensive than the definition of public information foresees. Information are often requested not being in written form, but needs to be prepared, like statistical data, merger of different reports or other acts, etc, that demands certain work or even additional costs. Also, the requests to access to public information, which contains personal data is extended. This includes most of the data, which relates to public expenditure, and, as described above, in such cases personal data like name and surname of the public employee can be revealed.

Another possibility to gain access to public data is also overriding interest of the public. This is an exception. It offers access to public and also to personal data. As an exemption also, as the developments indicates, it is not always restrictively interpreted.

All this developments listed above indicate that also disputes relating to access to public information increases. From this viewpoint, it is also necessary to emphasize, that interim measures cannot offer effective legal remedy if information is given to the public but it should not have been given. In such case it is not possible to limit the effects once the information reached by the public, especially by media. This fact underlines that decision to reveal certain data, especially private data, which might cause severe consequences in individual's life, his relatives, etc. needs to be very carefully deliberated. The IC have therefore an out most important role, and in some cases, the court cannot influence a lot the effects if the information was revealed but it should not have been. The IC is therefore a "safety net". It is also easier for IC to create the picture of availability and non-availability of public information in comparison to the court. The IC deals with more cases, it acts in media sphere, it has more contact to the public, etc. The area of public available information is also tremendously important for non-governmental organisation, which act in public interest, especially if they want to gain access to data, referring to the safety, to the healthy leaving environment, etc. Without statute based mandatory regulation to access to public information, this would not be possible for them.

A publication of the court's judgments, also discussed in this questionnaire, is nowadays a generally accepted standard, which was hardly imaginable a decade or two ago. Nowadays it is reality and offers many help, not only to the wider public, but also to courts themselves to enable them, in more advanced and faster manner to unify the jurisprudence. Also, the expert public benefits a lot and it is exactly this tool, public access to

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[9] OJ of the RS, Nr. 19/1994, 8/1996, 24/1998, 48/2001, 67/2002, 2/2004 - ZPKor, 71/2004, 47/2005 - odl. US, 17/2006, 27/2006 - skl. US, 127/2006, 1/2007 - odl. US, 57/2007, 120/2008 - odl. US, 91/2009, 33/2011, 46/2013, 63/2013, 69/2013 - popr., 95/2014 - ZUPPJS15, 17/2015.

judgments, that makes jurisprudence and courts decision more important for the legal system as such. It means that jurisprudence can play much more important role in clarifying the applicability and the use of legal rules. It is expected that different internet applications which offered additional services (like linkage (relation) between judgments, articles of certain acts and statutes, legal institutes, etc.) will even strengthen the use of jurisprudence in the future. At the same time, this also strengthen the publicity of courts' decision-making and adjudicating processes.