

FILE NO. 6584/118/2008

THE CONSTANTA COURT
DIVISION FOR TRADE, CONTENTIOUS ADMINISTRATIVE AND TAX BUSINESS

Civil sentence no. 1359

Public hearing of 12 September 2008

The panel is formed by:

CHAIRPERSON: AUGUSTINA LIVIA NISTOR

CLERK OF THE COURT: DIANA LĂZĂRESCU

The Court examined the application for the review of an administrative action lodged by the applicant LEGAL RESOURCE CENTRE with headquarters in Bucharest, address Str. Arcului nr. 19, versus the defendant DISTRICT COURT OF MEDGIDIA with headquarters in Medgidia, address Str. Independentei nr. 14, district of Constanta, concerning the obligation to perform.

At the roll-call of the public hearing it was discovered that the parties were missing.

The summoning procedure was duly performed according to article 87 paragraphs (2) and following of the Civil procedure code.

The clerk of the court stated in her verbal report on the case that the applicant had filed several written notices through the mail registry.

The court finds that the measures of inquiry have been completed and will now rule on the action.

THE COURT

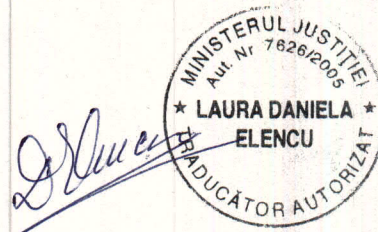
Regarding this administrative case, the court has found that:

In its application registered before the Court of Constanta – Division for Trade, Contentious Administrative and Tax Business – under no. 6584/118/2008 on 15.08.2008, the applicant Legal Resource Centre versus the defendant District Court of Medgidia requested that the Court should order the defendant to disclose the public interest information that the applicant had requested through its letter of 26.06.2008 and to pay periodic penalty payments of 100 RON per day of delay.

In support of its action, the applicant showed that it had requested the defendant to disclose the number of disputes legally based on Article 480 of the Civil code and to submit photocopies of the judgments delivered during 2001-2008; however, the answer drafted and submitted on 24.07.2008 was unlawful because it provided none of the requested information on a physical medium, as the defendant considered that the requested information were not public information.

In law, the applicant put forward the provisions of Law 544/2001.

Several documents were submitted in the case, as annexes to the application.



After being legally summoned, the defendant lodged a statement of defence, requesting that the Court should dismiss the application as unfounded because the defendant had answered the applicant's request.

Analysing the documents and works of the file, the Court concludes that:

In the request it submitted to the defendant on 26.06.2008, which was registered under no. 237/26.06.2008, the applicant requested the defendant to disclose the number of disputes legally based on Article 480 of the Civil code and to submit photocopies of the judgments delivered during 2001-2008.

In its letter no. 2/P/04.07.2008, the defendant disclosed to the applicant the number of disputes legally based on Article 480 of the Civil code and, regarding the request for photocopies of the judgments delivered during 2001-2008, it stated that such information was not of public interest and it was not apparent why the applicant was interested in holding such information.

According to the Law regarding the free access to public interest information – Law 544/2001 as subsequently amended –, the people's free and unlimited access to any public interest information, as defined by this law, represents one of the fundamental principles of the relationships between people and the public authorities, in accordance with the Romanian Constitution and with the international documents ratified by the Romanian Parliament; the law mentions what the terms "public authority" or "institution", "public interest information" and "information regarding personal data" mean for the purpose of this special law.


According to the above mentioned Law, any public authority or public institution is required to disclose the public interest information mentioned under Article 5 *ex officio*, the law mentioning the legal term for disclosing such public interest information.

According to Article 12(d) of Law 544/2001, "The following information is excepted from the citizens' free access stipulated by Article 1 and Article 11¹, respectively: ... the information regarding personal data, under the law", and in accordance with Article 2(c) of the same Law "information regarding personal data means any information related to an identified or identifiable natural person".

Considering that the judgments include personal data of the parties involved in the dispute, the Court takes the view that the defendant's refusal was justified by the fact the requested information was excepted from free access under Article 12(e) and (f) of Law 544/2001 and it shall therefore reject this action.

ON THESE GROUNDS
IN THE NAME OF THE LAW
THE COURT HEREBY RULES

That it rejects the action submitted by the applicant Legal Resource Centre, with headquarters in Bucharest, address Str. Arcului nr. 19, versus the defendant District Court of Medgidia with headquarters in Medgidia, address Str. Independentei nr. 14, district of Constanta.


MINISTERUL JUSTITIEI
Aut. Nr. 7626/2005
★ LAURA DANIELA
ELENCU
TRADUCĂTOR AUTORIZAT

The judgment is final.

An appeal may be submitted within 15 days from the notification hereof.

The judgment was given in the public hearing of today, 10.10.2008.

CHAIRPERSON
AUGUSTINA LIVIA NISTOR

CLERK OF THE COURT
DIANA LĂZĂRESCU

Drafted by legal typist ALN/17.12.2008
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I, Elencu Laura-Daniela, holder of authorization no. 7626/2005 issued by the Ministry of Justice, hereby state that I am a certified translator between the Romanian language and English and that the official Romanian document presented to me has been accurately translated from Romanian into English to the best of my knowledge.

Translator

