Report of GEORGIA

CIVIL ISSUES REGARDING THE PROTECTION OF PRIVACY
(WITH PARTICULAR FOCUS ON SUCH MATTERS AS AFFECTED BY THE INTERNET)

According to the Article 20 of the Constitution of Georgia, everyone’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 shall be inviolable. Restriction of the aforementioned rights shall be permissible by a court decision or also without such decision in the case of the urgent necessity provided for by law.

According to the Article 28 of the General Administrative Code of Georgia, public information shall be open except as provided in applicable legislation, or when openness expressly and inevitably undermines.

According to the Article 39 of the General Administrative Code of Georgia, a person may not be denied access to the public information, which allows his identification, and which shall not be accessible to other persons according to this Code. A person may have access to his personal information that is kept in a public agency, and may obtain copies of such information free of charge.

According to the Article 42 of the same Code, decisions and actions of public agencies shall be open to media and society. Everyone shall have access to information concerning: … (b) the fundamental principles and objectives of a public agency, (c) the description of the structure of a public agency, the procedures for assigning and dividing functions among public servants and decision-making procedures, … (e) the results of open ballots in a corporate public agency, … (g) the results of auditing or inspection of the activity of a public agency and court materials on the cases where a public agency acted as a litigant, … (i) the purpose, area of application and legal grounds for collecting, processing, storing and disseminating data by a public agency, (j) availability or non-availability of personal information of applicant in a public database, the procedures for gaining access to such information, including the procedures allowing the identification of a person, if the person or his representative filed the request to gain access to or modify personal information of the applicant, (k) the category of persons who may gain access to the personal information contained in a public database pursuant to law, … (n) all other information which are not considered as state, commercial or personal data proved by law.

According to the Article 44, first part, of the General Administrative Code of Georgia, personal data, except for those of an official, may not be accessible for anyone without the consent of the person concerned or reasoned decision of a court. Pursuant to the second part of the same
Article, in case of refusal of personal data, a person has a right to appeal the decision of public agency within one month. According to the third part of the same Article, a court may render the decision declassifying personal data only if it is impossible to prove essential facts on the case on the basis of other evidence, and if all possibilities of obtaining this information from other sources were exhausted.

According to the Article 45 of the General Administrative Code of Georgia, personal data may be accessible for the purpose of conducting a scientific research. This rule excludes the possibility of identifying a person.

When information is exchanged or transferred to other countries privacy is protected according to the agreements proved between Georgia and the World’s other countries.