[NL] New mechanism to protect safety of journalists from disclosure of data from public registries

IRIS 2024-7:1/7

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On 25 June 2024, an important new mechanism came into effect, allowing journalists to shield personal data contained in the main public registry in the Netherlands from disclosure, where there is a "serious threat" to a journalist. This new mechanism is contained in an Agreement between the Dutch Association of Journalists (*Nederlandse Vereniging van Journalisten*) (NVJ) and the public administrative body that operates the public registry of land, including addresses (*Dienst voor het Kadaster*). The Agreement follows the announcement by the State Secretary for Culture and Media (*Staatssecretaris Cultuur en Media*) and Minister for Justice and Security (*Minister van Justitie en Veiligheid*) of a series of new measures to protect press freedom and safety in the Netherlands, including the shielding of journalists' home and offices addresses (see IRIS 2022-8/15); and research on the safety of journalists in the Netherlands and increasing threats (IRIS 2023-1:1/14).

The Agreement sets out the shielding criteria, including the conditions that apply to processing a request to shield the personal data of journalists in the land registry. Journalists who wish to be considered must be holders of an NVJ press card or National Press Card or have a statement drawn up by the NVJ or PersVeilig showing that they can be considered part of the professional group of journalists due to specific activities. PersVeilig is a well-known joint initiative of Dutch journalists and law enforcement, comprised of the Dutch Association of Journalists, the Dutch Association of Editors in Chief, the Dutch Police and the Dutch Public Prosecution Service. It aims to strengthen the position of journalists against violence and aggression, including when reporting threats.

A request for shielding must be made to the NVJ or PersVeilig, with reasons and documentation. The NVJ or PersVeilig will use this information to conduct a "risk analysis" and decide whether to submit the request to the registry. This risk analysis is confidential and will not be shared with the registry or other parties. The Registry will then assess whether the request is adequate and complete and will shield the personal data of the journalist concerned within six weeks at the latest. If the Registry decides to proceed with shielding the personal data, this will apply for five years or until the threat stops. Only other administrative bodies will be provided with information about shielded persons if necessary for performing their statutory duties.

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Finally, it should be noted that legislation is also planned to make access to personal data more limited in the registry.

Convenant afscherming persoonsgegevens tussen de Nederlandse Vereniging van Journalisten en het Kadaster, 25 juni 2024

https://www.kadaster.nl/-/convenant-afscherming-persoonsgegevens-bij-waarschijnlijke-dreiging-als-gevolg-van-de-beroepsuitoefening

Agreement on protection of personal data between the Dutch Association of Journalists and the Land Registry, 25 June 2024

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