[RO] New Rules Governing Personality Rights

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On 1 July 2004 Romania's Consiliul Na ional al ,t Audiovizualului, the regulatory authority for electronic media, adopted a decision that sets out detailed rules concerning the freedom of opinion of journalists and the restrictions imposed on such freedom as a result of personality rights (Decizia CNA privind protec ia demnita ii umane i a ,dreptului la propria imagine Nr. 248 din 1 iulie 2004).

Article 1 of the Decision defines freedom of opinion and information. It states that restrictions on such freedom are possible in the interests of a democratic society, national security, territorial integrity and public order. Permitted grounds for interference with this right also include the protection of health or morals and the good reputation of others. Under Article 2 of the Decision, broadcasters are therefore required to respect the right to protection of human dignity and an individual's reputation. Under no circumstances may they take advantage of a person's ignorance or credulity.

The aforementioned interests are also subject to a restriction, however, insofar as in the case of events deemed to be in the public interest, freedom of expression may take precedence.

The decision also lays down rules governing the reporting of crimes committed. In principle, a person is presumed to be innocent until proven guilty according to law. The publication of photographs of suspects without their permission and of photographs of crimes without the consent of the victim or the victim's family members is prohibited. According to Article 8, everyone is entitled to protection of privacy. Publication in the electronic media of reports about a person's private life without the person's consent is therefore not permitted. Here too, exceptions may be allowed in cases deemed to be in the public interest, for example if the publication of a report or photographs can be used in order to prevent a crime or secure evidence.

Other rules are concerned with photographs taken with concealed cameras and anti-discrimination provisions, as well as the right of individuals to their own image.

Concerning violations of the rules set out in the Decision, Article 19 describes the situations where high fines may be imposed on a case-by-case basis in accordance with Articles 90, 91 and 95 of the Audiovisual Act No. 504/2002.

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Decizia CNA privind protect ia demnitat ii umane si a dreptului la propria imagine Nr. 248 din 1 iulie 2004), Monitorul oficial al României, Partea I, Nr. 668/26.VII.2004

Decision No. 248 of 1 July 2004), Official Journal, Part I, no. 668 / 26 July 2004

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