[LT] The Supreme Administrative Court sets guidelines for publishing personal information on popular top richest listings

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This case relates to a popular article published annually about the richest people in Lithuania. The article discusses the people included in the list, identifies their possible wealth, and analyses their dynamic through the years.

The article in this case identified the richest woman in Lithuania – Ms. A – who had complained to the *Žurnalistų etikos inspektoriaus tarnyba* (Office of the Inspector of Journalist Ethics — the Defendant) about a breach of the *Visuomenės informavimo įstatymas* (Law on the Provision of Information to the Public — the Law) and the General Data Protection Regulation (GDPR). The Defendant admitted the complaint but the publisher, UAB Naujienų centras (the Publisher), appealed the decision. The case reached the highest court – the *Lietuvos vyriausiasis administracinis teismas* (Supreme Administrative Court of Lithuania — the SACL) – which, on 15 September 2021, adopted a final ruling, forming a new set of guidelines for publishing information about the wealthiest part of the population.

Regarding the concept of a "public person", the SACL noted that the wealthiest people in the country occupied a position in society that made their activities related to the management of their assets relevant to public affairs. They were, therefore, public persons within the meaning of Article 8 of the European Convention on Human Rights (the Convention) and of the Law. However, such people did not hold any official duties in the public sector, thus their right to maintain their private life was, in principle, broader than that of those holding such positions. The fact that their business operated in important social sectors was not relevant in the context of the present dispute and did not affect the qualification of a public person.

In respect to the public's interest in such lists, the SACL noted that the publication about the wealthiest people in the country, the discussion of the value of the assets they managed, and the areas in which their business operated, could indeed contribute to the public interest debate. The SACL noted that such top listings in essence raised issues that affected society to such an extent that they could reasonably attract interest and concern.

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However, the case was remitted for a new investigation in respect of the accuracy and completeness of the data that had been published. It had to be noted that Ms. A was a private person and therefore there was no public and reliable source that accurately and correctly reflected the value of her assets. Therefore, the calculation method chosen by the Publishers was not capable of reflecting their real value. In the light of the above, it was found that the publication of an inaccurate value of the assets of Ms. A had infringed the requirement that public information had to be published in a fair, accurate and impartial manner (Article 3(3) of the Law).

The SACL concluded that the publication had contained an approximate value of the assets of Ms. A (a result of the assessment of the data relating to the assets) and was therefore classified as an opinion, and not a fact or real (correct) data (knowledge). Consequently, on the basis of the above considerations, the Defendant's initial Decision was referred back for re-examination.

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Ruling of the Supreme Administrative Court of Lithuania in administrative case No. eA-2066-624/2021, dated 15 September 2021.

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