

End of Mission Statement of the Special Rapporteur on Privacy at the conclusion of her visit to Lithuania 12 to 16 December 2022

Firstly, I want to thank the Government for inviting me to visit Lithuania, which is my first country visit as the United Nations Special Rapporteur on the Right to Privacy, and for having opportunity to analyse first hand the right to privacy within the robust data protection system of this Baltic Republic.

I had the opportunity to analyse the most diverse topics referring to my mandate, such as data protection of children, privacy and state security and the security of the inhabitants, privacy and the judiciary, migration, statistical services, health, innovation, registration, and had the opportunity also to discuss with parliamentarians on the recently passed law creating a National Security Ombudsman and a bill on same sex partners.

The meetings held with the Ombudsman for Children Rights of the Republic of Lithuania and at the Ministry of Social Security and Labour showed us the preoccupation of these authorities for a correct implementation of claims made by the initiative of children whose privacy was violated. Both have powers of investigation and normally issue recommendations on specific topics like children bullying, education, violence. Sanctions are generally not provided with the exception of cases in which information is not made available to the Ombudsman in accordance with a previous petition. Drafts on children bullying, education and violence are being specially attended.

The visit at the Prosecutor General provided us with information on a wide range of regulations regarding privacy and data protection, which had been specially considered in cases referring to intrusion to private homes, communications or unlawful collection of facts referred to private life. They specially emphasized that all documents gathered are destroyed once the investigations comes to an end.

Representatives of the State Security Department presented their institution as a law unit from the data protection authority on Intelligence affairs which collects intelligence information.

The interview at the Supreme Court of Justice clearly showed that the GDPR is fully applicable, and that no specific regulations on data protection are done under its aegis. The notions of purpose, security, legality, proportionality, balance were discussed. Special considerations about data protection on prisons were exposed by representatives of the Ministry of Justice and Prison Department.

From the meeting with representatives of Ministry of Interior, its Police Department, the Lithuanian Police force, the Migration Department and Identity Documents Personalisation Centre, we could see how GDPR constitutes the legal framework of data protection, that its principles are fully applicable, and that there are laws to implement them.

The Department of Statistics presented their databases and explained us how they protect the information that they process using data only for statistical process and special rules on anonymization of data. They also referred to a future initiative to merge into an open data portal.

The State Data Protection Inspectorate, established in 1997, presented its general activities, that refer to the processing of public and private personal data, with specific exceptions provided by the law.

Several interviews held with representatives of NGOs explained special circumstances referring gender equality based in Lithuania, on health and on migration crisis, that showed delicate situations that need special attention.

The Ministry of Health and National Service Health Centre exposed their situation concerning the sensitive data they process, which is organized under a system of interoperability, centralized, based on the principles of consent, anonymization, non discrimination.

The Center of Registrars is an enterprise of the State that processes information under the rules of the Ministry of Justice, according to the principles of transparency and accountability and always trying to build trust.

The representatives of the Ministry of Economy and Innovation brought examples of practical implementations to the meeting, such as “Connect Lithuania” whose purpose is to teach seniors to be connected to the internet, apps for librarians, digital public services, cybersecurity programs for children, “Opportunity Passport” which is an app that provided help in times of C-19.

The Inspector of Journalism Ethics receives claims of the victims of media, social media, newspapers, TV, then does desk investigations, if needed asks for explanations and lastly decides over the situations of the claims. Its procedure is friendly and free and mainly refers to hate speech, pornography, social media, war propaganda, misinformation, disinformation.

Last, but not least, we interviewed four parliamentarians. Several privacy concerning issues are being studied at the Lithuanian Parliament such as those referring to same sex partners, marijuana, gender based violence, disabilities, migration.

Special attention was provided to the recently passed bill creating an Ombudsman on National Security^[1] with an integration of two persons. This law, that was approved by 77 votes on 141 and is supposed to come into effect on January 1st 2023, has pending a decision of the Constitutional Court.

So, in general terms, we can say that in Lithuania privacy is being taken very seriously, but vulnerable groups, such as migrants and refugees, children, older persons, and LGBTI+ need greater protection.

I will present a more comprehensive report to the UN Human Rights Council in March 2024.