

**ANALYTICAL
DOCUMENT**

DECEMBER
2024

ASSESSMENT OF THE COMPLIANCE WITH PROVISIONS ON ANONYMIZATION AND PUBLICATION OF COURT DECISIONS



ANALYTICAL DOCUMENT

**Assessment of the compliance
with provisions on anonymization
and publication of court decisions
(January 2021 - June 2024)**

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December 2024

This study is made possible by the support of the American people through the United States Agency for International Development (USAID). The contents of this study are the sole responsibility of the Legal Resources Centre from Moldova (LRCM) and do not necessarily reflect the views of USAID or the United States Government

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ABBREVIATIONS AND ACRONYMS

ACA – Agency for Court Administration

CA – Court of Appeals

Convention 108 – Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. Strasbourg - January 28, 1981.

LRCM – Legal Resources Centre from Moldova

SCJ – Supreme Court of Justice

SCM – Superior Council of Magistracy

NIJ – National Institute of Justice

Law No. 133 – Law No. 133 of 8 July 2011 on Personal Data Protection

Law No. 514 – Law No. 514 of 6 July 1995 on Judicial Organization

SCM Regulation — Regulation No. 2016/679 of 10 October 2017 on the Publication of Court Decisions on the National Courts Portal and the Website of the Supreme Court of Justice

SIA JUSTAT – The automated information system containing statistical data on the judicial system of the Republic of Moldova.

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SUMMARY

This research aims to analyze and assess the degree of compliance with the provisions of the Regulation of the Superior Council of Magistracy (SCM) regarding the publication of court decisions on the National Courts Portal and on the website of the Supreme Court of Justice. This document represents a follow-up to a similar analysis conducted by the Legal Resources Centre from Moldova (LRCM) in 2020, which revealed significant non-compliance with the SCM Regulation in 63% of the examined decisions and in 55% of the decisions concerning corruption cases.

The study is based on a detailed approach, structured into three chapters and followed by conclusions and recommendations aimed at improving practices in this important area.

The first chapter presents the research framework and describes the methodology used, including the algorithm for selecting the analyzed court decisions. This section explains the criteria and the sample size, providing a clear basis for the representativeness of the data. It also details the method of analyzing court decisions, ensuring coherence and consistency in the assessment process.

The second chapter presents the analysis of data from the general group, consisting of 1,090 court decisions. The evaluation is structured according to each specific rule, and the results are broken down by the type of court, offering a clear picture of compliance levels. The analysis also includes concrete examples to illustrate the application or non-application of the rules set out in the SCM Regulation.

The analyzed data reveal the following picture: in 558 decisions (51%) out of the total 1,090 analyzed, anonymization does not comply with the requirements of the SCM Regulation. A comparison between the two data sets (2020 vs. 2024) shows a decrease in the rate of non-compliance with the SCM Regulation from 63% to 51%. However, the issue remains significant, as almost every second court decision continues to be improperly anonymized.

Most instances of non-compliance with the SCM Regulation were recorded at the level of first-instance courts (436 out of 790 analyzed decisions, or 55%). The situation is slightly better for courts of appeal, where 111 out of 240 decisions (46%) fail to meet the Regulation's requirements. As for the Supreme Court of Justice (SCJ), the provisions of the SCM Regulation are largely respected, with only 11 out of 60 analyzed decisions (18%) found to be non-compliant. No court was identified as fully complying with the SCM Regulation. According to the research findings, after the SCJ, the lowest rate of violations was observed at Drochia District Court (24%), while the highest rate was recorded at Comrat District Court (78%).

Most of the time, the provisions of point 20 of the SCM Regulation, which refer to the obligation to anonymize personal data ex officio, are not respected. Such violations were recorded in 516 decisions (92%) out of the 558 court decisions identified with irregularities.

One of the most common violations, after this, is partial anonymization — where data were anonymized in some sections but remained visible in others. This type of violation was identified in 28% of the court decisions (159 out of the 558 with identified irregularities).

These are followed by violations of point 21 of the SCM Regulation, which prohibits the anonymization of the names of individuals participating in the administration of justice in a professional capacity — such as court clerks, prosecutors, law enforcement officers, mediators, bailiffs, notaries, or lawyers — as well as the names of legal entities. Violations of this rule were found in 20% of the decisions, amounting to 113 out of the total 558 court decisions identified with irregularities.

The rule set out in point 18, letter b), which establishes a strict prohibition on anonymizing the names of perpetrators, instigators, or accomplices in criminal cases, as well as the names of offenders in administrative cases, was violated in 12% of the decisions — that is, in 55 out of 470 court decisions identified with such violations in criminal and contravention cases.

The fewest violations were found in relation to the rule set out in point 18, letter a) of the SCM Regulation, which requires the anonymization of the names of parties to the proceedings to protect morality, minors, or private life. Violations of this rule were identified in 9% of the cases, amounting to 42 out of the 558 court decisions identified with irregularities.

Chapter three expands the analysis by examining an additional group of 200 court decisions in the category of "offenses against the family and minors." This category was selected to emphasize the need for increased attention to data anonymization in such sensitive cases, continuing the detailed evaluation of each rule and court, with relevant examples. The assessment is carried out for each specific rule, broken down by court type, and includes concrete examples to illustrate their application. The results show that 134 decisions (67%) out of the 200 analyzed do not comply with the requirements of the SCM Regulation.

Similar to the general category of cases, most violations of the SCM Regulation were found at the level of district courts — 74% (111 out of the 150 decisions analyzed). At the level of courts of appeal, violations were found in 16 cases (40% of the 40 decisions analyzed), while at the Supreme Court of Justice (SCJ), 7 out of the 10 decisions analyzed (70%) contained violations. No court was found to be in full compliance with the provisions of the SCM Regulation. The most frequent violations related to point 20 of the Regulation, with 120 decisions (90%) out of the 134 identified as non-compliant. The most common issues involved failure to anonymize the date of birth (29 cases) or home address/residence (29 cases).

Next in the ranking were violations of point 18 (a) of the SCM Regulation — concerning intimate aspects related to minors, morality, or private life. A total of 59 decisions (44%) out of the 134 with irregularities were identified with such violations. These were followed by instances of partial anonymization, with 57 court decisions (43%) anonymized inconsistently. Violations of point 18(b) were identified in over 35 decisions (26%) — excluding courts of appeal — where the names of defendants, perpetrators, or instigators were excessively depersonalized, despite the Regulation expressly prohibiting such anonymization. The fewest violations were found regarding point 21 of the SCM Regulation — in 31 decisions (23%) out of the 134 with irregularities. Most often, the names of judges (courts), prosecutors, or lawyers were improperly anonymized in the court rulings.

Continuous training and capacity building for judges, judicial assistants, and court clerks, alongside technical digital solutions, are essential to ensure adequate protection of personal data without compromising the transparency of the judicial process. In this regard, the study includes a set of general recommendations, such as organizing regular training sessions tailored with practical examples for judges and judicial assistants, enhancing technical functionalities within the PIGD system, and establishing a mechanism for continuous monitoring of anonymization practices.

Additionally, the study proposes specific recommendations for amending the SCM Regulation by supplementing and clarifying certain rules — such as explicitly listing the categories of personal data that must be anonymized, expanding the scope of mandatory public information, and detailing sensitive case types to ensure consistent application of anonymization rules. These measures aim to improve compliance and increase the efficiency of the Regulation's implementation.

INTRODUCTION

The transparency of the judiciary is one of the fundamental pillars of a rule of law state. It ensures that justice is not only carried out in accordance with the law, but also perceived by society as fair, impartial, and equitable. Transparent justice strengthens public trust in the judicial system and contributes to the accountability of courts, eliminating suspicions of corruption or abuse. Free access to information regarding court decisions is essential for citizens to understand and be assured that their fundamental rights are protected.

On 10 October 2017, the Superior Council of Magistracy (SCM) approved the Regulation on the publication of court decisions on the National Courts Portal and on the website of the Supreme Court of Justice (further – the SCM Regulation)¹. This document sets as its goal ensuring citizens' free access to information and enhancing judicial transparency. Applied for over seven years, the Regulation has been periodically updated to address practical challenges and to help strengthen trust in the judiciary².

This document represents an exercise in replicating the study “Judicial Transparency versus Data Protection: An Analysis on the Publication of Court Decisions in the Republic of Moldova”, conducted by the Legal Resources Centre from Moldova (LRCM) in 2020³. The previous study highlighted significant non-compliance with the provisions of the SCM Regulation, such issues being present in 63% of the court decisions analyzed and in 55% of those related to corruption cases.

The purpose of the current analysis is to assess compliance with the SCM Regulation on the anonymization and publication of court decisions for the period January 2021 – June 2024. The main objective is to identify the progress made, highlight persistent issues, and propose solutions to improve practices in this field.

The relevance of this study is twofold. On the one hand, it supports the promotion of transparency in the act of justice, a fundamental element for strengthening public trust in the judiciary. Transparency is essential for justice not only to be correctly administered, but also to be perceived as such by society. On the other hand, the analysis offers an opportunity to improve the regulatory framework and court practices so that they align with international standards and meet the increasing demands for accessibility and openness.

¹ Regulation on the publication of court decisions on the National Courts Portal and on the website of the Supreme Court of Justice, available at: https://www.legis.md/cautare/getResults?doc_id=142791&lang=ro

² The updates refer to the non-publication of decisions issued by the investigating judge in connection with confidential materials, as well as to the exclusion from the Integrated Case Management Program (PIGD) and the non-publication on the National Courts Portal and the website of the Supreme Court of Justice of court decisions adopted following the examination of motions/appeals submitted under [Law No. 179/2023](#) on counterintelligence and foreign intelligence activities.

³ LRCM, „*Transparency of the Judiciary versus Data Protection. An analysis on the Publication of Court Decisions in the Republic of Moldova*” Chişinău, 2020, <https://crjm.org/wp-content/uploads/2022/04/Transpar-just-vs-date-pers-En.pdf>

This analytical document, based on a representative selection of court decisions, is addressed to decision-makers, judges, judicial assistants, and other relevant stakeholders. It is an important undertaking aimed at periodically assessing the extent to which transparency requirements for courts are being met and at strengthening public trust in the act of justice.

CHAPTER I. Research Framework

The research included an analysis of national legislation, specifically Law No. 133 on Personal Data, the SCM Regulation, as well as an analysis of court decisions publicly available on the National Courts Portal and the website of the Supreme Court of Justice. In addition, LRCM analyzed official statistical data available on the websites of the Agency for Court Administration (ACA), the JUSTAT Information System, and the SCM, as well as their reports concerning the publication of court decisions.

Method for establishing the sample and selection of decisions

Statistical data on the volume and structure of cases pending before courts in the Republic of Moldova, as presented on the SIA JUSTAT platform⁴, show that over the past three years, civil cases account for 54% of the total, criminal cases – 32%, and contravention cases – 14%. Accordingly, to ensure representativeness, a total of 1,090 court decisions were selected from all courts, including courts of appeal and the Supreme Court of Justice (see Table 1), proportionally to the structure of case types, as follows: 620 civil court decisions, 345 criminal court decisions, and 125 contravention court decisions.

To ensure impartiality in the data collection process and the representativeness of the sample, the authors developed a random selection algorithm for court decisions. The courts were conventionally divided into two categories based on the number of decisions issued during the reference period. For the "big" courts, a greater number of decisions were selected to ensure the representativeness of the findings.

Table 1. Number and types of decisions selected from each court

Court type	Courts	The number of the decisions selected random	Decision type
„Big” courts	SCJ	30/30 Total: 60	civil (30)/criminal(30)
	Chişinău CA Chişinău Court	40/30/20 40/30/20 Total: 180	civil (80)/criminal(60)/ administrative(40)
„Small” courts	District courts (other than Chişinău Court)	30/15/5 (*17) 510 /255/85 Total: 850	civil (510)/ criminal (255)/ administrative(85)

⁴ The automated information system containing statistical data on the judicial system of the Republic of Moldova, <https://justat.instante.justice.md/>

	Courts of Appeal (Bălți, Cahul, Comrat)		
All decisions analyzed		1 090	Civil - 620 Criminal - 345 Administrative - 125

The decisions were selected from the National Courts Portal⁵ and the website of the Supreme Court of Justice⁶. A random selection algorithm was established for this process. The algorithm involved a series of steps using search indexes in descending order, starting with the code “-300” or “-200,” depending on the type of court (see Table 2). For each step, the first court decisions from the years 2024, 2023, 2022, and 2021 were selected, identifying only the month preceding the one used in the previous step, to ensure month-by-month representativeness in the collection of court decisions. These steps were repeated until the required number of court decisions for the analysis document was reached. Only motivated court decisions were selected. If, during the selection process, a decision was found to be unreasoned and contained only the dispositive part, it was excluded, and the search continued until a motivated court decisions was identified.

Table 2. Search steps by type of court

Court type	Court	Search step
„Big” Courts 7	SCJ	-300
		-150
		-100
		-50
	Chişinău CA Chişinău Court	-300
		-150
		-100
		-50
„Small” Courts8	Courts of Appeal (Bălți, Cahul, Comrat)	-200
		-150
	Courts (others than Chişinău Court)	-100
		-50

Additionally, given the significant impact of improper depersonalization, LRCM carried out a separate analysis of court decisions in criminal cases concerning offences against the family and minors. For this

⁵ <https://instante.justice.md/>

⁶ <https://csj.md/>

⁷ After the selection of the code, the first judgments of the years 2024 (until June), 2023, 2022 and 2021 were selected.

⁸ The selection was repeated with the change of the set figure and with the selection of decisions with a month preceding the previously identified month.

analysis, 10 court decisions were randomly selected and assessed for each court, all - 200 decisions (10 decisions × 20 courts). These 10 decisions were randomly selected based on the following Criminal Code articles⁹: article 201 (Incest), article 201¹ (Domestic violence), article 206 (Child trafficking), article 207 (Unlawful removal of children from the country), article 208 (Involving minors in criminal activities or inducing them to commit immoral acts), article 208¹ (Child pornography), article 208² (Engaging a child in prostitution), article 209 (Involving minors in the illegal use of narcotic, psychotropic substances and/or other substances with similar effects).

In some cases, at the time of selection, court decisions could not be identified for all the articles under the chapter “Offences against the Family and Minors.” In such situations, to complete the sample, decisions issued under article 201¹ (Domestic violence) were included. Decisions issued under this article were significantly more numerous compared to those related to other articles in the same chapter.

Research Period

The court decisions analyzed cover the period from 1 January 2021 to 30 June 2024. The data was selected and analyzed between October and November 2024. In total, 1,290 court decisions issued by all courts, including the courts of appeal and the Supreme Court of Justice, were analyzed.

Research Team

The data was selected and analyzed by a team of four legal experts from LRCM.

Number of analyzed decisions

The conclusions of this analytical document are based on 1,090 court decisions analyzed in civil, criminal, and contravention cases, considered the general group, and 200 decisions from the control group.

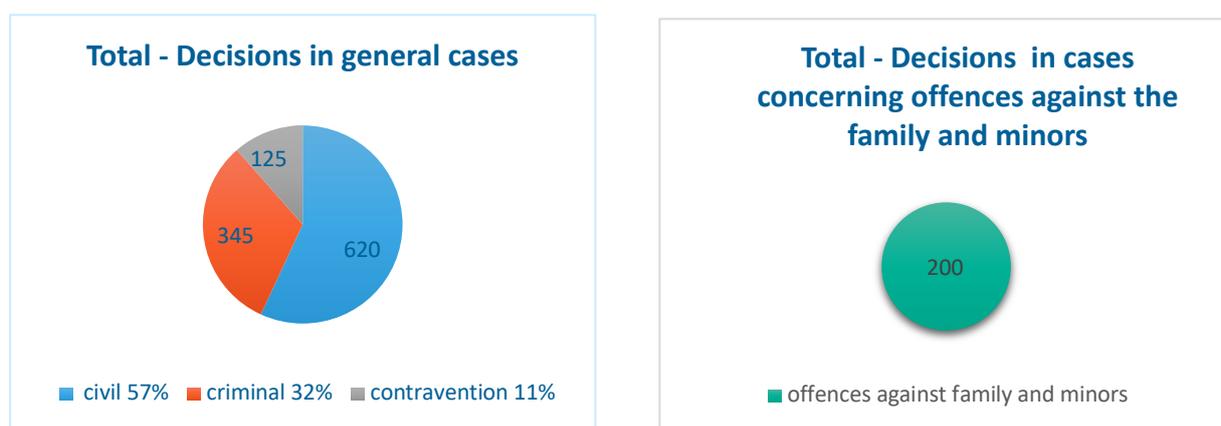


Figure 1. The structure of analyzed decisions

⁹ During the selection process, efforts were made to identify judicial decisions related to various articles under the chapter on crimes against the family and minors in the Criminal Code. In cases where it was not possible to cover all articles, the selection was supplemented with decisions issued under Article 201¹ on domestic violence, due to the significantly higher number of available rulings based on this provision.

Internal database

To ensure the traceability of the collected and analyzed data, all identified court decisions were saved in an internal database of LRCM and were analyzed according to the criteria set out in the SCM Regulation on the publication of court decisions. The database is compiled in an Excel document. This database includes several mandatory fields for analysis:

- general data on the selected court decisions, such as the total number of decisions analyzed, the court that issued the decisions, the type of case (civil/criminal/administrative offence), the case number, the date the decisions was issued, and the subject matter of the case (the legal article applied in adjudicating the case).
- data on anonymization, based on the six rules established in the SCM Regulation and described in detail below. For each selected court decisions, specific indicators were noted: anonymized/compliant – N/A; 0 or open data/non-compliant (1) regarding a particular criterion to be analyzed.

The identified court decisions were saved in a database, which is accessible online in an open-source format for documentation and cross-referencing by any interested person. It can be accessed online by scanning a QR code.



Method of assessing compliance

Compliance with the SCM Regulation on the publication of court decisions on the National Courts Portal and on the website of the Supreme Court of Justice was assessed based on six main rules:

Rule 1: The prohibition to anonymize information concerning the court and the persons who participate in their professional capacity in the proceedings

Point 21 of the SCM Regulation provides that "information about the court or the panel, court clerk, prosecutor, bailiff, mediator, bailiff, notary and lawyer shall in no case be anonymized/hidden. The names of legal entities shall not be concealed under any circumstances.

Rule 2: Depersonalization in the interests of morals, juveniles, or private life

The SCM Regulation provides, under point 18 (a), that "in criminal, contravention, civil, or other types of cases, in order to protect the interests of morality, minors, or the private life of the parties involved, the names of those affected in relation to these values and interests shall always be anonymized."

Rule 3. The prohibition to anonymize the name of perpetrators and instigators in criminal and administrative cases (para. 18 (b) of the SCM Regulation)

The SCM Regulation provides, under point 18 (b), that "in criminal or contravention cases adjudicated for the purpose of protecting the interests of morality, minors, or the private life of the parties to the

proceedings, the names of perpetrators, instigators, or accomplices shall not be anonymized under any circumstances, even if the perpetrators, instigators, or accomplices are minors.”

Rule 4: The hiding of some parts of decisions with confidential information

The SCM Regulation provides, under point 18 c), that “in cases adjudicated for the purpose of protecting public order or national security in a democratic society, or to the extent deemed absolutely necessary by the court when, under special circumstances, the interests of justice or trade secrets may be harmed, the parts of the decision whose publication would affect these interests shall be hidden.”

Rule 5. The redaction of the names of parties and/or persons to protection public interest

The SCM Regulation provides, under point 18 (d), that “in trials thus conducted to protect public order or national security in a democratic society or to the extent deemed absolutely necessary by court when, in special circumstances, the interests of justice could be threatened, the names of the parties and/or persons whose identification could harm such interests shall always be anonymized”.

Regula 6. The mandatory hiding of certain types of personal data

The SCM Regulation provides, under point 20, “[...]The following categories of personal data shall always be hidden: individuals’ places and dates of birth and/or residence, telephone numbers, personal identification numbers (IDNP), health information (regardless of illness), bank data, car license numbers, personal health insurance numbers, personal social insurance numbers, and other data of individuals in line with Law No. 133 of 8 July 2011 on the Protection of Personal Data.”

Limitation of the study

One of the main limitations of the study is the potential presence of minor errors in the data analysis process, given the large volume of court decisions examined. These errors may be attributed to human factors and in no way reflect a lack of good faith on the part of the research team, which verified the data at multiple stages.

A second limitation relates to the subjective interpretation of certain data, caused by the complexity of the process or the lack of clear information regarding the reasoning behind decisions to anonymize or publish specific categories of data.

As in the study conducted in 2020, the research aimed to examine the compliance of the analyzed court decisions with all six rules described above. However, it was not possible to identify enough cases to which the provisions of Rules 4 and 5 applied. The scarcity of the gathered data leads to several assumptions: (i) decisions of such types of cases are never published on the courts’ portal or (ii) the rules of this paragraph apply to a very limited number of cases or (iii) judges do not apply the rules of this paragraph. For lack of representative data, the authors decided to drop the examination of compliance with Rules 4 and 5 set by the SCM Regulation.

These limitations should be considered when interpreting the results of the research.

Ethical considerations

In conducting this study, the research team adhered to essential ethical principles, as follows:

1. Confidentiality and protection of personal data. The team did not disclose any personal information or data encountered during the research process, strictly complying with data protection regulations and anonymization requirements.
2. Impartiality. The conclusions and recommendations were based solely on the data analyzed.
3. Responsibility in data use. The collected data was handled with the utmost care, avoiding any use that could compromise the integrity of the research process.
4. Methodological transparency. The applied methodology was implemented with high accuracy, ensuring the verifiability of the results.
5. In the illustrative examples included in this document, personal data was greyed out by the authors (in cases where such data should have been anonymized in accordance with the SCM Regulation), thus ensuring the protection of identities and preventing any risk of re-victimization of the individuals mentioned in the court decisions used as examples.

Definitions used in the research

Anonymization is the process of encrypting or removing an individual's name from the judgment so that it remains anonymous.

Partial anonymization refers to situations in which the anonymization of court decisions is incomplete or inconsistent. These include cases where information that should be hidden is either partially hidden or revealed in certain sections of the decision.

Excessive anonymization refers to situations in which anonymization exceeds the necessary scope, excessively removing information that is not considered personal data or that should not be anonymized according to legal provisions.

Personal data refers to any information relating to an identified or identifiable natural person (the data subject). An identifiable person is one who can be identified, directly or indirectly, by reference to an identification number or to one or more elements specific to their physical, physiological, psychological, economic, cultural, or social identity.

Special categories of personal data refer to data revealing a person's racial or ethnic origin, political, religious, or philosophical beliefs, social affiliation, health status or sexual life, as well as data related to criminal convictions, procedural coercive measures, or administrative sanctions.

CHAPTER II. THE PRACTICE OF DEPERSONALISATION OF COURT DECISIONS

General Information

For the purposes of this research, a total of 1,090 court decisions published between January 1, 2021 and June 30, 2024 were randomly identified. Out of the total number of 1 090 decisions, hereinafter referred to generically as the general group, 790 were issued by the judges, 240 - by the courts of appeal and 60 - by the SCJ¹⁰ . Information on the period when they were published is available in Figure 2.

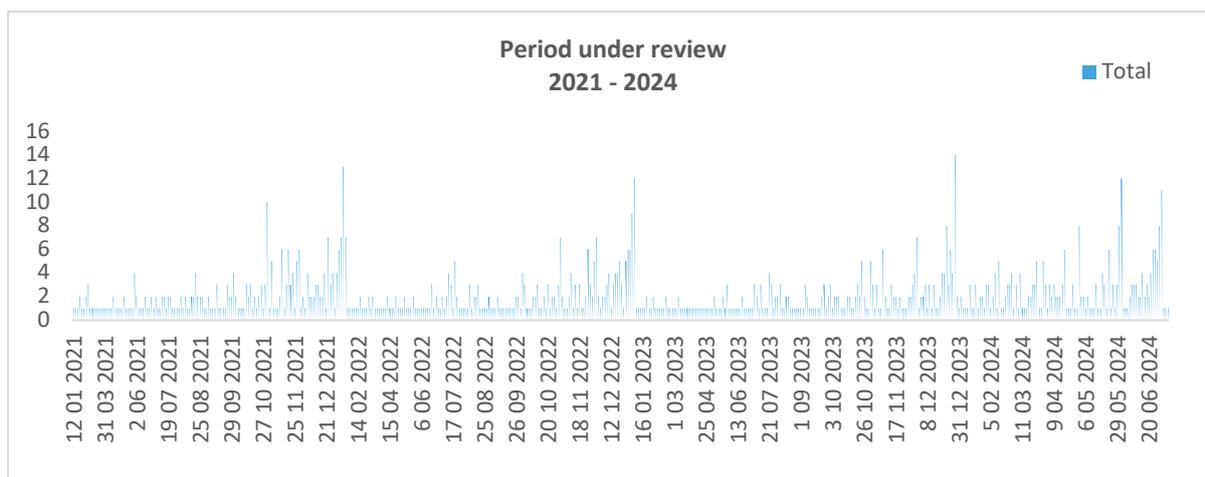


Figure 2. The number of analyzed decisions and their issuance period (general group)

The results of the analysis confirm that in 558 (51%) out of the total of 1090 decisions analyzed the practice of depersonalization does not comply with the SCM Regulation on the publication of decisions.

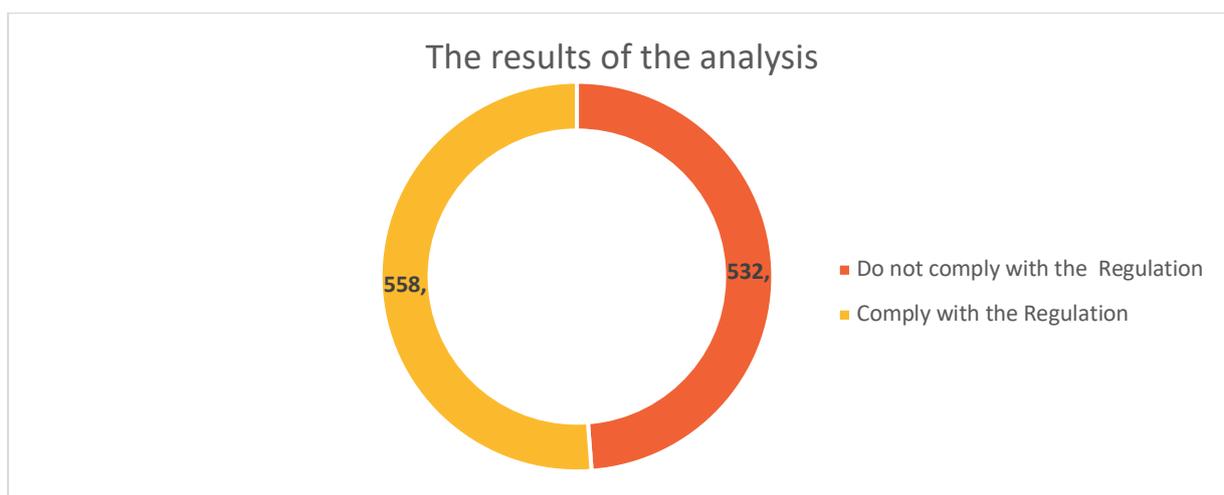


Figure 3. The results of the analysis of court decisions (general group)

¹⁰ The analytical document analyzes cases in proportion to the volume of issuance of decisions by the courts, according to the data held by the Courts Administration Agency, for each category of cases - civil, criminal, administrative.

A comparison of the two datasets (2020 vs. 2024) reveals a decrease in the percentage of non-compliance with the SCM Regulation on anonymization: from 63% in 2018-2019¹¹ (507 out of 810 decisions) to 51% in 2021-2024 (558 out of 1090 decisions).

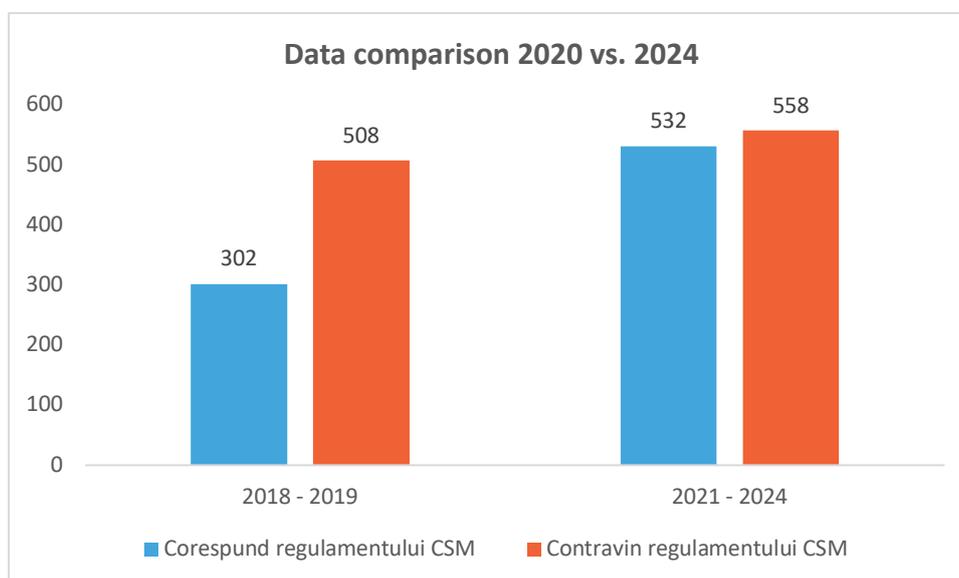


Figure 4. Comparison of data on the analysis results: initial study vs. present analytical report

Even if the data suggest an improvement in compliance with anonymization standards, the problem remains significant, as **every second published decisions does not comply with the requirements of the SCM Regulation.**

Most breaches of the Regulation were recorded at the level of courts (436 out of 790 analyzed or 55%). In a few courts, the rate of breaches of the SCM Regulation exceeds 70%. The situation is slightly better, but not significantly so, for the Courts of Appeal (111 out of 240 or 46% of decisions). In the case of the SCJ, the provisions of the Regulation are largely respected (11 out of 60 decisions analysed or 18% do not meet the anonymization standards). We did not find any court fully complying with the provisions of the SCM Regulation or admitting an insignificant number of deviations from it. The lowest rate of deviations, after the SCJ, according to the results of the survey was identified at the Drochia Court (24%).

Detailed information on the concrete situation in each court and on each point of the SCM Regulation is presented in Table 3 below.

¹¹ LRCM, „*Transparency of the Judiciary versus Data Protection. An analysis on the Publication of Court Decisions in the Republic of Moldova*” Chişinău, 2020, <https://crjm.org/wp-content/uploads/2022/04/Transpar-just-vs-date-pers-En.pdf>

Court	No. of decisions identified with violations	Do not comply with the SCM Regulation	
		No. of decisions	Percentage
Anenii Noi	50	20	40%
Bălți	50	28	56%
Cahul	50	27	54%
Căușeni	50	23	46%
Chișinău	90	60	67%
Cimișlia	50	13	26%
Comrat	50	39	78%
Criuleni	50	32	64%
Drochia	50	12	24%
Edineț	50	35	70%
Hâncești	50	36	72%
Orhei	50	28	56%
Soroca	50	21	42%
Strășeni	50	33	66%
Ungheni	50	29	58%
Grand Total	790	436	55%

Courts of appeal

Court	No. of decisions identified with violations	Do not comply with the SCM Regulation	
		No. of decisions	Percentage
CA Bălți	50	21	42%
CA Cahul	50	15	30%
CA Chișinău	90	60	67%
CA Comrat	50	15	30%
Grand Total	240	111	46%

Court	No. of decisions identified with violations	Do not comply with the SCM Regulation	
		No. of decisions	Percentage
SCJ	60	11	18%
Grand Total	60	11	18%

Table 3. Distribution of non-compliant decisions with the SCM Regulation per court (general group)

The detailed analysis reveals a top of the most frequent non-compliant rules. In most cases, the provisions of point 20 of the SCM Regulation on the obligation to conceal, ex officio, personal data (other data, data on residence, date and place of birth or registration number, etc.) are not complied with. The results of the analysis confirm that there is a problem of compliance with this rule in at least 516 decisions (92%) out of the 558 decisions identified with violations.

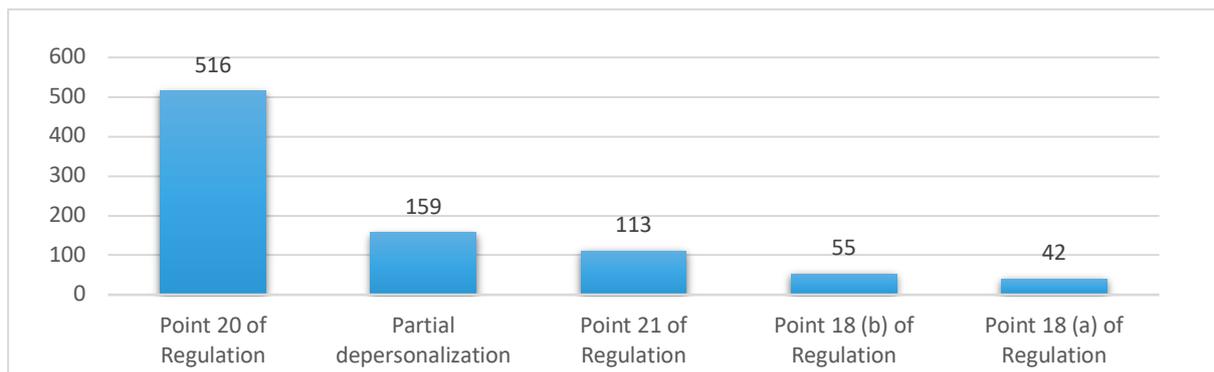


Figure 5. Distribution of non-compliant decisions (general group) by targeted rule

At the same time, there are 113 decisions (20% of the total of 558 identified with violations), in which the provisions of point 21 of the SCM Regulation were violated. This prohibits anonymization of the names of persons who participate in a professional capacity in the administration of justice: clerk, prosecutor, bailiff, mediator, bailiff, notary or lawyer.

In 55 decisions (or 12% of all criminal and administrative decisions analyzed) judges depersonalized the names of offenders, defendants, perpetrators or instigators in violation of the SCM Regulation.

In 42 decisions (or 8% of all decisions analyzed) it was established the violation of paragraph 18 lit. a) of the SCM Regulation, which provides for the obligation to anonymize the names of the parties in the proceedings in order to protect the interests of morality, minors or privacy. As a rule, these cases concern sensitive aspects of people's private life, such as disputes concerning the dissolution of marriage, the deprivation of parental rights, the application of protective measures following domestic violence, as well as criminal cases of rape.

Although it does not directly refer to any of the rules laid down in the SCM Regulation, in the course of the analysis several decisions were identified that were only partially depersonalized (in some sections of the decisions the name of the plaintiff, where applicable, the defendant, and other data were anonymized, while in another part of the decisions the name or other relevant data were open). Such cases were identified in 159 decisions (28% of the total 558). The graphical information is presented above in Figure 5.

The results of the analysis confirm that compliance with the Regulation remains a systemic problem.

Rule 1. Degree of compliance with the provisions from point 21 of the SCM Regulation

This subsection highlights the level of compliance of the analyzed judicial decisions with Rule no. 1, which sets out the requirements established in point 21 of the SCM Regulation. This rule prohibits the anonymization of information concerning the court and the individuals participating in the proceedings in a professional capacity, thereby ensuring the transparency of the act of justice.

“Anonymization/hiding shall never apply to information about courts or judicial panels, clerks, prosecutors, official inspectors, mediators, bailiffs, notaries, and lawyers. The names of legal entities shall never be hidden.”



The SCM Regulation sets the imperative prohibition on the redaction of information about courts and judicial panel, as well as the persons who participate in legal proceedings in a professional capacity: clerks, prosecutors, police inspectors, mediators, bailiffs, notaries, or lawyers. The same prohibition applies to the names of legal entities.

The analysis of judicial decisions confirms a significant issue with compliance to this rule in at least 113 decisions (20%) out of the 558 judicial decisions identified with irregularities.

Most violations of point 21 are found at the level of district courts. The courts with the highest rate of non-compliance were identified in Căușeni (39%), Strășeni (36%), and Edineț (28%). There is no district court that fully complies with the provisions of point 21. Only two courts were found to have a negligible number of violations — Orhei (3%) and Anenii Noi (5%).

In the case of the courts of appeal, the rate of non-compliance with point 21 is significantly lower. However, 37% of the decisions analyzed from the Chișinău Court of Appeal and 19% from the Bălți Court of Appeal fail to comply with this provision.

At the level of the Supreme Court of Justice (SCJ), only one decision among those identified with irregularities was found to violate point 21 of the SCM Regulation.

Detailed results for each court regarding compliance with point 21 of the SCM Regulation are presented in Table 4.

Table 4. Distribution of decisions per court regarding the compliance with point 21 of the SCM Regulation

Court	No. of decisions identified with violations		Decisions that violate point 21	
Anenii Noi	20	1	5,0%	
Bălți	28	2	7,1%	
Cahul	27	3	11,1%	
Căușeni	23	9	39,1%	
Chișinău	60	13	21,7%	
Cimișlia	13	2	15,4%	
Comrat	39	9	23,1%	
Criuleni	32	9	28,1%	
Drochia	12	2	16,7%	
Edineț	35	10	28,6%	
Hâncești	36	5	13,9%	

Orhei	28	1	3,6%
Soroca	21	2	9,5%
Strășeni	33	12	36,4%
Ungheni	29	6	20,7%
Grand Total	436	86	20%

Court	No. of decisions identified with violations		Decisions that violate point 21	
CA Bălți	21	4	19%	
CA Cahul	15	0	0%	
CA Chișinău	60	22	37%	
CA Comrat	15	0	0%	
Grand Total	111	26	23%	

Court	No. of decisions identified with violations		Decisions that violate point 21	
CSJ	11	1	9,1%	
Grand Total	11	1		

Regarding the category of data most frequently anonymized improperly, the analysis shows that lawyers/representatives are the most affected, followed by authorities/mediators and the court (the panel of judges). Information about prosecutors was also frequently anonymized incorrectly. At the other end of the spectrum, data concerning notaries was the least likely to be improperly anonymized, indicating more consistent application of the rules in this regard. It is important to note that legal entities, which are generally not entitled to anonymization under the SCM Regulation, also rank among the top five categories of data improperly anonymized.

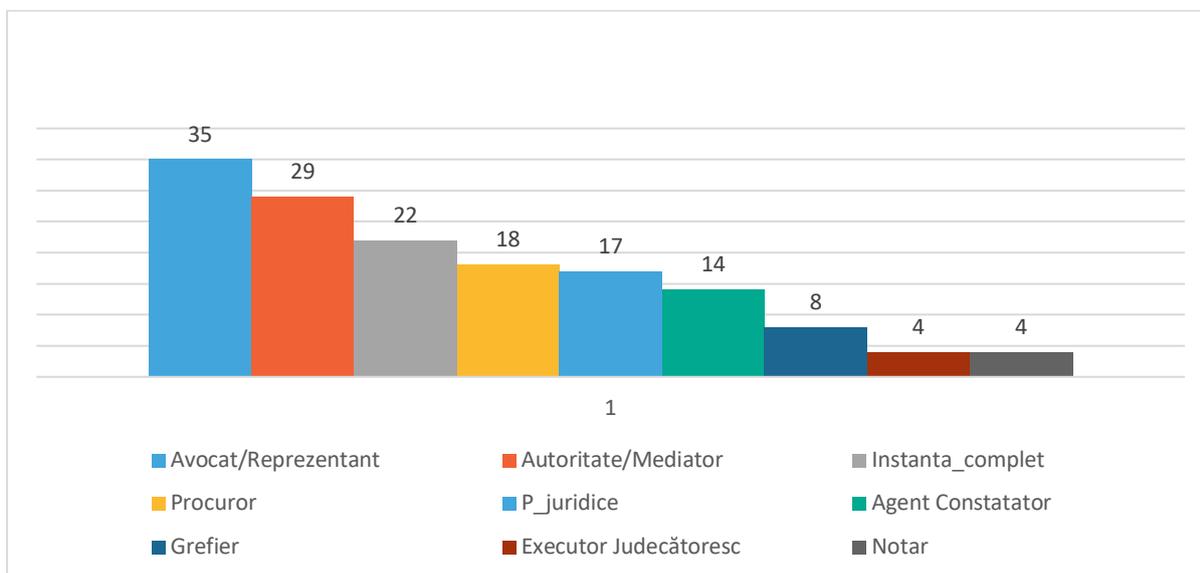


Figure 6. Non-compliance with provisions from point 21 by categories

Illustrative examples:

Non-compliance – the name of prosecutor was anonymized

30 decembrie 2021	mun. Strășeni
Judecătoria Strășeni, sediul central	
Instanță compusă din:	
Președinte de ședință, judecător Mihaela Grosu	
Grefier: Uliana Haidău, *****Budu, Mihai Nicolau, Ana Scobici, Ecaterina Aprodu, Constantin Vornicescu și Tatiana Cebotari	
Cu participarea:	
Acuzatorului de stat, procuror: Alexandra Cotun, *****na Stanilă	
Apărătorului Andrei Crasnostan	
Reprezentantului părții vătămate Liliana Panuș	
Traducătorului Iulia Rusu	
judecând în ședința de judecată publică, în procedură generală, cauza penală de învinuire a lui:	

Non-compliance - the name of the investigating officer was depersonalized

*Dosarul nr. 5r-45/2021;
4-20055921-51-5r-15042021*

H O T Ă R Ă R E
În numele legii

22 noiembrie 2021
Judecătoria Ungheni
Instanța de judecată compusă din:
Președintele ședinței,
Judecător
Grefier

mun. Ungheni

Petru Triboi
Ludmila Caducenco, Elvira Stiopea

a judecat în ședința de judecată publică contestația depusă de Batir Ion, împotriva procesului-verbal cu privire la contravenție și a deciziei de sancționare nr. MAI04826090 din 11 mai 2020, întocmit de către reprezentantul autorității din care face parte agentul constator al Inspectoratului de Poliție Nisporeni, *****, prin care a fost sancționat cu amendă în mărime de 60 (șaizeci) unități convenționale ce constituie 3000 (trei mii) lei, pentru comiterea contravenției prevăzute de art. 70 alin. (2) Cod contravențional,

CONSTATĂ:

Non-compliance - court information was depersonalized

Dosarul nr. 2c-1516/22 2-2293204-12-2c-30062022

HOTĂ

În nume



02 octombrie 2023

mun. *****

Judecătorul în Judecătoria ***** sediul Centru Alexandru Mardari examinând în sediul instanței, în procedura cererilor cu valoare redusă cauza civilă la cererea de chemare în judecată depusă de SRL „Kronos Trans Group” către SRL „Victiana” privind încasarea datoriei, a penalității și a cheltuielilor de judecată,

CONSTATĂ:*Argumentele participanților la proces*

Non-compliance – information about the legal entity was anonymized

Dosarul nr. 2a-2421/2023

2-22090241-02-2a-30062023

Judecătoria Chișinău, sediul Centru judecător Maria Muruianu

DECIZIE**01 noiembrie 2023****mun. Chișinău**

Colegiul Civil, Comercial și de Contencios administrativ
al Curții de Apel Chișinău

În componența:

Președintele completului, judecătorul

Ana Panov

Judecătorii

Viorica Mihaila și Angela Braga

Grefier

Mihaela Pîrvu

examinând, în ședință de judecată publică apelul declarat de ***** în cauza civilă la cererea de chemare în judecată depusă de „Centrul Comercial *****” SRL împotriva ***** cu privire la constatarea ca fiind legal încheiat a contractului, încasarea datoriei,

împotriva hotărârii Judecătoriei Chișinău sediul Centru din 20 martie 2023,

c o n s t a t ă :

La data de 24 iunie 2022, „Centrul Comercial *****” SRL, a depus o cerere de chemare în judecată către ***** și a solicitat ca instanța de judecată să dispună următoarele:

Rule 2: Degree of compliance with the provisions from the point 18 (a) of the SCM Regulation

The selected decisions were analyzed to assess compliance with the requirements for anonymizing the names of those affected, in the interest of morality, the protection of minors, and respect for private life.

“In case of **criminal, contravention, civil, or other** trials in order to **protect morals, juveniles, or the private live of the parties, the names of those affected** in light of these values and interests ***shall always be anonymized***”.



The SCM Regulation requires anonymization of the names of parties in the interests of morals, juveniles, or private life. The situations to which this rule may apply include divorce litigations, the termination of parental rights, the application of security measures in domestic violence cases, among others.

The results of the analysis of the decisions in the part related to compliance with the provisions of point 18 lit. a) confirm that there is a problem of compliance with this rule in at least 42 (9%) out of the total 558 decisions identified with infringements.

Most violations, similar to those concerning compliance with point 21, were found at the level of district courts, with 37 decisions affected. The courts with the highest non-compliance rates were identified in Cahul (33%) and Drochia (21%). Only one district court — Soroca — fully complies with the provisions of point 18 letter a). Courts with a negligible number of violations include Chişinău (1%), Bălţi (3%), and Orhei (3%).

At the level of courts of appeal, non-compliance with point 18 letter a) of the SCM Regulation was identified in only 3% of the decisions analyzed — a significantly better situation compared to the district courts. The Bălţi and Cahul Courts of Appeal recorded no violations, while the other appellate courts reported only minor instances of non-compliance.

In the case of the Supreme Court of Justice (SCJ), the provisions of point 18 letter a) of the SCM Regulation are largely respected. However, two cases were identified in which data concerning private life, minors, and morality were not properly anonymized. In one decision, the perpetrator was identified as a minor, but their personal data was disclosed in the operative part of the ruling. In another decision, the data protection rules were breached by revealing the names of rape victims.

Detailed results for each court regarding compliance with point 18 letter a) of the Regulation are presented in Table 5 below.

Table 5. Distribution of decisions per court regarding the compliance with point 18 (a) of the SCM Regulation

Court	No. of decisions identified with violations	Decisions that violate point 18 (a)	
Anenii Noi	20	1	5,0%
Bălţi	28	1	3,6%
Cahul	27	9	33,3%

Căușeni	23	1	4,3%
Chișinău	60	1	1,7%
Cimișlia	13	1	7,7%
Comrat	39	3	7,7%
Criuleni	32	3	9,4%
Drochia	12	2	16,7%
Edineț	35	2	5,7%
Hâncești	36	4	11,1%
Orhei	28	1	3,6%
Soroca	21	0	0,0%
Strășeni	33	5	15,2%
Ungheni	29	3	10,3%
Grand Total	436	37	

Court	No. of decisions identified with violations	Decisions that violate point 18 (a)	
CA Bălți	21	0	0%
CA Cahul	15	0	0%
CA Chișinău	60	2	3%
CA Comrat	15	1	7%
Grand Total	111	3	3%

Court	No. of decisions identified with violations	Decisions that violate point 18 (a)	
CSJ	11	2	18,2%
Grand Total	11	2	18,2%

The highest number of non-compliances—identified in 24 judicial decisions — were found in cases considered to affect the best interests of the child. These involved situations where data about minors was not properly anonymized. This is followed by 23 decisions in which non-compliance with the SCM Regulation was found in cases requiring the protection of private life. In the category of cases requiring the protection of morality, only one decision was identified where anonymization rules were not properly applied in accordance with the SCM Regulation. Detailed data is presented in Figure no. 7.

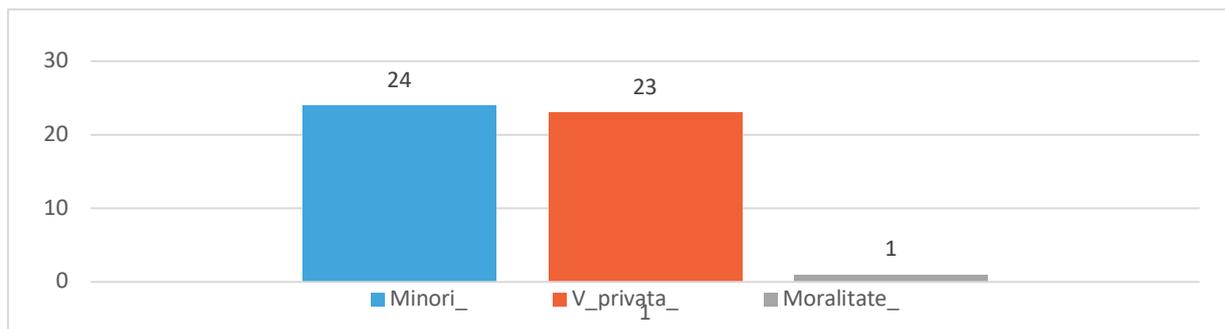


Figura 7. Non-compliance with provisions from point 18 (a) by categories

Illustrative examples:

**To avoid re-victimization, the authors of the study have redacted personal data that was not anonymized in the published judicial decisions included as examples in this document.*

Non-compliance – the names of the parties were not anonymized to protect the best interests of the child interests of the child.

A C O N S T A T A T :

Partea descriptivă:

În perioada de timp 20 - 23 ianuarie 2020, la domiciliul său din s. *****, r-nul Cantemir, unde locuiește cu concubina sa Gheonea Maria Alexei, născută la ***** și doi copii minori [redacted], născut la ***** și [redacted], născut la ***** cu care în corespundere cu prevederile art. 133¹ Cod penal sunt membri de familie, avînd intenția manifestării unui comportament antisocial și impunerea în familie, a aplicat violența psihică, prin aplicarea izolării în locuința familială, i-a încuiat în casă și i-a deținut pe Gheonea Maria, minorii [redacted] și [redacted] contrar voinței lor, pe perioada nominalizată, prin ce le-a provocat stări de tensiune și de suferință psihică.

Non-compliance – the names of minors were not anonymized in a case concerning private life.

Relată că prin telefon i-a propus ultimului să contribuie la întreținerea copilului, și dacă dorește, să recunoască paternitatea, însă Sergiu Ermurachi, deși nu a refuzat expres, a schimbat numărul de telefon, fapt ce a determinat-o pe reclamantă să se adreseze cu prezenta cerere de chemare în judecată, solicitând constatarea paternității lui Ermurachi Sergiu asupra copilului Chifariuc Gloria și încasarea de la Ermurachi Sergiu pensie pentru întreținerea copilului minor, Chifariuc Gloria, în mărime de 2000 lei.

Prin încheierea Judecătorei Ungheni din 06 iulie 2020 a fost admis renunțul reclamantei Chifariuc Natalia la capătul de acțiune privind constatarea paternității lui Ermurachi Sergiu. S-a încetat procesul civil în partea ce ține de constatarea paternității lui Ermurachi Sergiu în privința copilului [redacted].d.43- 44).

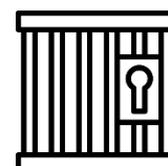
Prin hotărârea Judecătorei Ungheni, din 7 iulie 2020 acțiunea a fost admisă parțial, fiind dispusă încasarea de la Ermurachi Sergiu, născut la 27 mai 1983, IDN [redacted] pensie pentru întreținerea copilului minor ([redacted] născută la 13 septembrie 2019, în mărime de 850 (opt sute cincizeci) lei lunar, în beneficiul Nataliei Chifariuc, începând cu data adresării în judecată – 21 ianuarie 2020, până la atingerea vârstei majoratului de către copil.

S-a încasat de la Ermurachi Sergiu, în beneficiul Nataliei Chifariuc, cheltuieli de asistență juridică suportate în prezentul proces, în mărime de 3000 (trei mii) lei.

Rule 3. Degree of compliance with the provisions from point 18 b) of the SCM Regulation

The selected judicial decisions were analyzed to determine the extent to which the names of perpetrators, instigators, or accomplices in criminal or administrative cases were anonymized. The rule stipulates that such names must never be anonymized, regardless of whether the individuals concerned are minors or the circumstances of the case involve aspects of private life, morality, or the interests of minors. The provisions of point 18 letter b) establish a strict prohibition, similar to that set out in Rule no. 1 (point 21 of the Regulation).

“In criminal or contravention trials in order to protect morals, juveniles, or private live of the parties, the names of perpetrators, instigators, or accomplices shall never be anonymized, even if the perpetrators, instigators, or accomplices are juveniles.”



The analysis of judicial decisions regarding compliance with point 18 letter b) of the SCM Regulation confirms a compliance issue in 55 decisions (12%) out of the total 470 criminal and administrative rulings reviewed.

Most violations, consistent with previous examples, were found at the level of district courts, with 39 decisions affected. The courts with the highest non-compliance rates are Orhei (21%), Hîncești (19%), and Edineț (14%). Four district courts fully comply with the provisions of point 18 letter b): Cahul, Căușeni, Drochia, and Ungheni — with 0% violations. At the appellate level, violations of point 18 letter b) were identified in 16 decisions, the vast majority — 15 cases (25%) — originating from the Chișinău Court of Appeal. No violations of point 18 letter b) were found in the decisions of the Supreme Court of Justice (SCJ).

Detailed results for each court regarding compliance with point 18 letter b) of the SCM Regulation are presented in Table 6.

Table 6. Distribution of decisions per court regarding compliance with point 18 letter b) of the SCM Regulation

Court	No. of decisions identified with violations	Decisions that violate point 18 (b)	
Anenii Noi	20	1	5,0%
Bălți	28	1	3,6%
Cahul	27	0	0,0%
Căușeni	23	0	0,0%
Chișinău	60	8	13,3%
Cimișlia	13	1	7,7%

Comrat	39	1	2,6%
Criuleni	32	2	6,3%
Drochia	12	0	0,0%
Edineț	35	5	14,3%
Hâncești	36	7	19,4%
Orhei	28	6	21,4%
Soroca	21	3	14,3%
Strășeni	33	4	12,1%
Ungheni	29	0	0,0%
Grand Total	436	39	8,9%

Court	No. of decisions identified with violations	Decisions that violate point 18 (b)	
CA Bălți	21	1	5%
CA Cahul	15	0	0%
CA Chișinău	60	15	25%
CA Comrat	15	0	0%
Grand Total	111	16	14%

Court	No. of decisions identified with violations	Decisions that violate point 18 (b)	
CSJ	11		0
Grand Total	11		0

Illustrative examples:

Non-compliance – the name of the accomplice was anonymized

CONSTATĂ:

Potrivit sentinței Sandu Ștefan a fost condamnat pentru, că la 04.07.2023, aproximativ pe la orele 14:00, după ce împreună cu ***** au pătruns ilegal în locuința lui ***** din localitatea ***** , urmare a conflictul avut cu ***** și Ghilan Dinu, urmărind scopul sustragerii bunurilor altei persoane, în prezența victimei și a persoanelor sus indicate, deschis a sustras de pe masă din încăperea unde toți se aflau, telefonul mobil de model „Xiami Redmi 9A” în care era instalată cartela SIM cu nr. ***** , ce-i aparține lui Ghilan Dinu, pe care l-a însușit, refuzând să restituie bunul sustras la cerințele ultimului, după care a plecat de la fața locului, prin ce i-a cauzat părții vătămate o daună materială considerabilă în sumă totală de 3 600 lei, acțiuni încadrate la art. 187 alin. (2) lit. f) Cod penal cu calificativele: *jaful, adică sustragerea deschisă a bunurilor altei persoane, săvârșită cu cauzarea de daune în proporții considerabile.*

Non-compliance – the name of the perpetrator was anonymized.

Dosar nr. PIGD 1-20002746-28-1-10012020
 Dosar nr. manual 1-21/20

SENTINȚĂ
În numele Legii

05 august 2021
 Briceni

or.

Judecătoria Edineț, sediul Briceni

Instanța compusă din :

Președintele ședinței, judecătorul

Procopișina Aurelia

Grefier

Bolduma Merelea

Cu participarea procurorului

Udrea Virgilia

Avocatului

A examinat în ședință de judecată publică cauza penală de învinuire a lui ***** , născut la ***** , c/p ***** , originar satul ***** , raionul ***** și domiciliat în or. ***** , str. ***** studii medii incomplete, nesupus militar, concubinează, neangajat în câmpul muncii, anterior condamnat, cetățean al Republicii Moldova, în comiterea infracțiunii prevăzute de art.179 alin.(2) Cod penal RM,

Termenul de examinare a cauzei: 10 ianuarie 2020 – 05 august 2021.

În baza materialelor din dosar și a probelor administrate în ședința de judecată, instanța,

A constatat:

***** la 30 iunie 2019, aproximativ la orele 23:15 min., fiind în stare de

Rule 6. Degree of compliance with the provisions from point 20 of the SCM Regulation

The provisions of point 20 of the SCM Regulation establish a mandatory obligation to automatically conceal certain categories of personal data in judicial decisions, regardless of the type of case or whether such anonymization was requested by one of the parties.

“[...] The following categories of personal data shall always be hidden: the place and date of birth of individuals and/or their residence, their phone number, personal identification number (IDNP), health-related data (regardless of the illness), banking information, vehicle registration number, personal health insurance number, social security number, as well as any other data, in accordance with the Law no. 133 of 8 July 2011 on the protection of personal data.”



The analysis of judicial decisions regarding compliance with point 20, confirms a significant issue, with non-compliance identified in 516 decisions (92%) out of the total 558 judicial rulings containing violations.

As in previous examples, most non-compliances were found at the level of district courts, accounting for 407 decisions. The highest rates of violations were recorded in the courts of Anenii Noi, Cimișlia, Drochia, Hîncești, Orhei, and Soroca, where 100% of the analyzed decisions failed to meet the requirements. No district court was found to be in full compliance with the provisions of point 20.

In the case of the courts of appeal, violations of point 20 were identified in 101 judicial decisions.

Relative to the number of rulings analyzed, the highest number of such decisions was issued by the Cahul Court of Appeal (100%), and the violation rate in all appellate courts exceeded 80%.

At the level of the Supreme Court of Justice (SCJ), point 20 of the SCM Regulation was not respected in 8 out of 11 decisions found to contain irregularities.

Detailed results for each court regarding compliance with point 20 of the SCM Regulation are presented in Table 7.

Table 7. Distribution of decisions per court regarding the compliance with point 20 of the SCM Regulation

Court	No. of decisions identified with violations	Decisions that violate point 20	
Anenii Noi	20	20	100,0%
Bălți	28	27	96,4%
Cahul	27	24	88,9%
Căușeni	23	21	91,3%
Chișinău	60	49	81,7%
Cimișlia	13	13	100,0%
Comrat	39	38	97,4%
Criuleni	32	30	93,8%
Drochia	12	11	91,7%
Edineț	35	32	91,4%
Hâncești	36	36	100,0%
Orhei	28	28	100,0%
Soroca	21	21	100,0%
Strășeni	33	29	87,9%
Ungheni	29	28	96,6%
Grand Total	436	407	93,3%

Court	No. of decisions identified with violations	Decisions that violate point 20	
CA Bălți	21	19	90%
CA Cahul	15	15	100%
CA Chișinău	60	53	88%
CA Comrat	15	14	93%
Grand Total	111	101	91%

Court	No. of decisions identified with violations	Decisions that violate point 20	
CSJ	11	8	73%
Grand Total	11	8	

The analysis of the categories of data most frequently found to be non-compliant with the SCM Regulation shows that, in most cases, improper anonymization involved “other data” (363 cases), followed by address or residence (42 cases), vehicle registration number (36 cases), and date of birth (29 cases).

Within the analysis, the category of “other data” included information that, although not explicitly listed in the SCM Regulation, may still require anonymization from the perspective of personal data protection. This refers to situations where certain types of information—other than those expressly mentioned (such as name, address, or specific identification data)—are nonetheless sensitive or relevant enough to affect the right to private life, thereby requiring protection. At the same time, this category also includes data that, contrary to the Regulation, were anonymized unnecessarily—either out of excessive caution or due to a misinterpretation of the rules. From a research perspective, this category illustrates the difficulty of adapting regulations to the variety of information encountered in practice. It underscores the need for clearer and more flexible criteria to guide the anonymization process, to maintain a proper balance between transparency, public interest, and the protection of personal data.

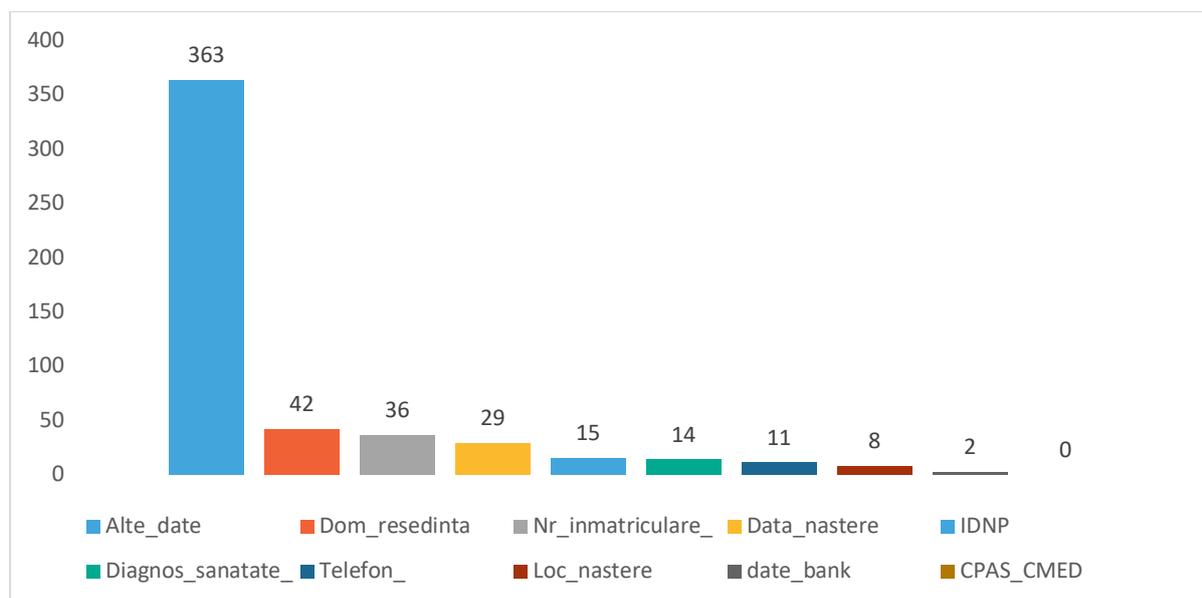


Figure 8. Non-compliance with provisions from point 20 of the SCM Regulation by data category

Illustrative examples:

Non-compliance – the personal identification number (IDNP) was not anonymized

Non-compliance – the phone number was not anonymized

Proces-verbal de audiere a martorului Moşneguţu Vitalie, care fiind audiat a comunicat că, a declarat că în cadrul Inspectoratului de poliţie Floreşti activează din anul 2000 pînă în 2006, apoi din 2010 pînă în prezent. Pe Modruci Igor şi pe Valeriu Munteanu îi cunoaşte fiind colegi de serviciu, deasemenea cu Valeriu Munteanu sunt din acelaşi sat, adică se cunosc de mult timp. Pe Vartan Ghenadie la fel îl cunoaşte de foarte mult timp deoarece a locuit în aceeaşi mahală în s. Prajila raionul Floreşti.

Numărul de telefon [REDACTED] îl foloseşte de aproximativ 10 ani, dar cu certitudine nu poate să spună concret anul de cînd îl foloseşte.

Nu-şi aminteşte despre cazul de furt de lemne comis de către Vartan

Non-compliance – the vehicle registration number was not anonymized

Poziția părții vătămate

Partea vătămată***** a susținut cele relatate de acuzatorul de stat.

Poziția părții apărării

Apărătorul inculpaților ***** și *****, avocatul Andrei Domenico, a susținut că, ținând cont de ansamblul de circumstanțe, a solicitat respectuos ca ***** și ***** să fie achitați pe capătul de acuzare adus prin prisma argumentelor de fapt și de drept indicate de apărare și totodată să fie ridicat sechestrul și restituit corpul delict, automobilul de model BMW x5 cu n/i [REDACTED] aflat în posesia lui Dragoș Bilenco în baza contractului de credit nr. AG9963288 din 05.10.2021.

Conform ordinii cercetării judecătorești inculpații au fost audiați la finele cercetării judecătorești.

Argumentele inculpatului *****

Non-compliance – the date of birth was not anonymized

HOTARĂȘTE:

Cererea de chemare în judecată depusă de Asociația de Economii și Împrumut Credite din Clocușna” împotriva lui Moroșan Mihail, Leah Tatiana și Baba Ana privind casarea datoriei, se admit integral.

Se încasează în mod solidar de la Moroșan Mihail, născut la [REDACTED] cod personal *****, domiciliat în sat. Clocușna, raionul Ocnîța, Leah Tatiana, c/p*****, domiciliată în sat. Clocușna raionul Ocnîța, Baba Ana, cod personal *****, domiciliată în t. Clocușna raionul Ocnîța în beneficiul A.E.Î. „Credite din Clocușna” cu sediul în sat. Clocușna raionul Ocnîța, c/f 1*****, întru achitarea datoriei în baza contractului de împrumut din 20.11.2018 în sumă de 43.109,36 lei (patruzeci și trei mii una sută nouă lei 36 mi), dintre care: împrumutul – 20.000,00 lei; dobânda – 6.000,00 lei și dobânda de târziere – 17.109,36 lei.

Non-compliance – the registration number of the Ministry of Internal Affairs (MAI) vehicle was anonymized (classified as other data).

mai 2019, aproximativ la ora 22:30, conducând automobilului de model „Mercedes”, cu numărul de înmatriculare *****, pe drumul public, traseul principal din satul Crihana Veche raionul Cahul, fiind stopat de către agenții de patrulare a Batalionului de Patrulare Sud al INP, Antohi Nichita și Catruc Alexandru, fiindu-i solicitat de către agenții de patrulare nominalizați de a prezenta actele și de a se supune procedurii de testare a aerului expirat sau examenului medical în vederea stabilirii stării de ebrietate și a naturii ei, fiindu-i explicate urmările refuzului său, categoric a refuzat;

tot el, la 6 mai 2019, aproximativ la ora 22:30, conducând mijlocul de transport de model „Mercedes” cu numărul de înmatriculare ***** pe traseul principal din satul Crihana Veche, raionul Cahul, fiind stopat de către agenții de patrulare a Batalionului de Patrulare Sud al INP, Antohi Nichita și Catruc Alexandru, care au solicitat de a fi prezentate actele și a trece testul alcoolsopic, Radu Dmitri a refuzat să se supună cerințelor legale ale agenților de patrulare, numindu-i cu cuvinte necenzurate, manifestând comportament agresiv, lovind de câteva ori cu capul în capota și aripa automobilului de patrulare de model ”Skoda Rapid”, cu numărul de înmatriculare MAI *****, i-a tras de uniformă pe Antohi Nichita și Catruc Alexandru și a aplicat violență nepericuloasă pentru viața sau sănătatea în privința ofițerului de patrulare Antohi Nichita, lovindu-l cu pumnul în față, i-a provocat edem-tumefacție al țesuturilor moi pe față din stânga, care se califică ca vătămare neînsemnată.

Non-compliance – the branch of the Chamber of Commerce and Industry and the Territorial Cadastral Office were anonymized (other data).

comună în devălmășie. În vederea probării faptului că bunurile au fost dobândite în timpul căsătoriei și că ele aparțin cu drept de proprietate invocă următoarele dovezi.

Bunuri imobile: casa de locuit, individuală cu suprafața la sol 93.7 m.p., suprafața interioară 74,3 m.p., nr. cadastral *****; construcție accesorie, suprafața 16,7 m.p., nr. cadastral *****; teren aferent, suprafața de 0,0609 ha cu nr. cadastral *****, teren agricol (grădină), suprafața 0,2343 ha, nr. cadastral *****.

Toate bunurile imobile le aparțin cu drept de proprietate în devălmășie în baza actului de dare în exploatare din 19.02.1986. Hotărârea privind aprobarea actului de dare în exploatare din 19.02.1986(16862-3/01), titlu de autentificare a dreptului deținătorului de teren nr.*****din 21.12.2001(16862- 3/01), contract de schimb nr.206 din 15.01.2019 (4101/19/978), confirmate prin certificate eliberat de către Instituția Publică „Agenția Servicii Publice,, Serviciul cadastral teritorial ***** eliberat la data de 13.08.2021.

În baza raportului de evaluare nr.0368329 din 21.09.2021, efectuat de experții Camera de Comerț și Industrie a RM, filiala *****, valoarea de piață a bunului imobil constituit din casa de locuit individual cu construcție accesorie și terenul aferent,

Non-compliance – the resignation order number and the professional position were anonymized (other data).

raporturilor de serviciu în primii cinci ani de activitate, atrage restituirea cheltuielilor pentru studii proporțional cu perioada rămasă până la 5 ani (f.d. 6).

La data de *****, a fost emis ordinul de demisie nr. *****, a funcționarului public cu statut special Lupușor Ion, care a avut la bază cererea ofițerului de investigații Lupușor Ion, din ***** (f.d. 8).

Ca urmare a demisionării funcționarului public cu statut special Lupușor Ion, la data de 21.11.2022 în adresa pârâtului a fost expediată cererea prealabilă cu nr. 44/22-4704, prin care s-a solicitat achitarea sumei, acordând pârâtului un termen de 30 zile, pentru executarea benevolă a obligațiilor, însă notificarea a rămas fără executare (f.d. 9-11).

Non-compliance – data related to the service contract and the invoice number were anonymized (other data).

închisura datoriilor contractuale și penalităților calculate.

În motivarea cererii invocă că, prin contractul de prestații a serviciilor nr. 01 din *****, S.C. "Agro Bio Product" S.R.L., în calitate de Prestator, pe de o parte, s-a obligat față de S.C. "Interagroinvest" S.A., în calitate de Beneficiar, să acorde servicii agrotehnice conform cererii ultimului. Astfel, prin actul nr. 01 din 14 aprilie 2017, părțile au consimțit fără rezerve că în perioada 06-14 aprilie 2017, S.C. "Agro Bio Product" S.R.L. a executat servicii în sumă de 11 6800 lei, fiind emisă în acest sens și factura fiscală nr. *****, din data de 14 aprilie 2017.

Conform condițiilor contractuale și anume conform pct. 2.4, S.C.

Non-compliance – the name of the traffic inspector who accepted a bribe was anonymized (other data).

contravenția prevăzută de art. 227 alin. (3) Cod contravențional.

În continuare, Preda *****, conștientizând caracterul social periculos al acțiunilor sale, dându-și seama de faptul că prin acțiunile sale lezează relațiile sociale cu privire la buna desfășurare a activității în sfera publică, prevăzând urmările și dorind în mod conștient survenirea acestora, acționând intenționat în scopul determinării angajatului Inspectoratului Național de Securitate Publică al IGP al MAI, Grosu *****, care conform prevederilor art. 123 alin. (2) Cod penal este persoană publică, de a nu îndeplini corespunzător obligațiile sale funcționale și anume de a nu întocmi procesul-verbal cu privire la contravenția constatată, în vederea eschivării de la răspunderea contravențională, în momentul când se afla în autoturismul de serviciu modelul „Škoda Rapid” cu n/î *****, pe bancheta din față a pasagerului a oferit personal inspectorului de patrulare Grosu ***** bani ce nu i se cuvin și anume două bancnote cu nominalul de 100 lei cu seria și nr. F.0178 nr. 249585 și F.0133 nr. 634017, în sumă totală de 200 lei, creând prin acțiunile sale o stare de pericol pentru buna desfășurare a activității de serviciu a funcționarilor publici cu statut special din cadrul MAI.

Depersonalization without depersonalization

Following the analysis carried out, it was found that there were situations in which court decisions were only partially depersonalized, although this problem is not expressly provided for in the SCM Regulation. In certain sections of the document, the names of the plaintiff or the defendant, and other personal data were correctly anonymized, while in other passages of the same judgment, the information was left fully visible. Such cases were identified in at least 159 court decisions, representing 28% of the total of 558 decisions with irregularities.

This illustrates a potential negligent attitude towards the requirement of depersonalization of court decisions.

At the level of the lower courts, most partially depersonalized decisions were identified in the Causeni Court (78%), Cimislia Court (61%) and Drochia Court (41%). No court was identified that fully complies with this rigor.

Significant differences in partial anonymization (depersonalization) were observed within the appellate courts. At the level of CA Balti, the percentage of non-compliant court decisions is 28%, while at the level of CA Chisinau this percentage reaches 38%. CA Comrat did not register any depersonalized decisions in compliance with the regulations.

As for the SCJ, the situation of partial depersonalization is also present, with 64% of the 11 decisions identified with violations out of 64% of non-compliant decisions. This suggests that although there is an improvement compared to the lower courts, the SCJs also continue to face challenges in fully implementing the anonymization rules.

Table 8. Distribution of decisions per court regarding partial anonymization

Court	No. of decisions identified with violations	Decisions with inconsistent anonymization	
		No. of decisions	Percentage
Anenii Noi	20	2	10,0%
Bălți	28	10	35,7%
Cahul	27	8	29,6%
Căușeni	23	18	78,3%
Chișinău	60	15	25,0%
Cimișlia	13	8	61,5%
Comrat	39	5	12,8%
Judecătoria Criuleni	32	10	31,3%
Drochia	12	5	41,7%
Edineț	35	10	28,6%
Hâncești	36	10	27,8%
Orhei	28	4	14,3%
Soroca	21	4	19,0%

Strășeni	33	10	30,3%
Ungheni	29	3	10,3%

Court	No. of decisions identified with violations	Decisions with inconsistent anonymization	
CA Bălți	21	6	28,6%
CA Cahul	15	1	6,7%
CA Chișinău	60	23	38,3%
CA Comrat	15	0	0,0%
Grand Total	111	30	

Court	No. of decisions identified with violations	Decisions with inconsistent anonymization	
CSJ	11	7	64%
Grand Total	11	7	

Illustrative example:

Non-compliance – partial anonymization (defendant's name)		
DECIZIE În numele Legii /dispozitiv/		
15 februarie 2022		municipiul Chișinău
Colegiul penal al Curții de Apel Chișinău în componența :		
Președintele ședinței de judecată		Iurie Iordan
Judecătorii		Elena Cojocari și
Marcel Juganari		
Grefier		Cristina
Ulinici		
Cu participarea:		Radu Sâli
Procurorului		Artur Cotruță, Carolina Burgari
Avocaților		
a judecat în ședință publică în ordine de apel, apelul avocatului Serghei Costin în numele inculpatului Mardari Vadim și cel al inculpatului Bașila Serghei declarate împotriva sentinței Judecătoreiei Anenii Noi, sediul Bender din 22 martie 2021 în cauza penală de învinuirea lui		
	*****	născut la *****, originar și domiciliat în mun. Chișinău, com. *****, str. *****, moldovean, studii medii incomplete, holtei, fără copii minori la întreținere, fără grade de invaliditate, cetățean al RMoldova, la momentul comiterii infracțiunii avea statut de condamnat, ispășind pedeapsa în Penitenciarul nr.12-Bender, anterior condamnat:

Partial anonymization of a judicial decision is an unnecessary process that adds to the workload of judicial assistants. This practice undermines the principle of fairness in judicial proceedings and may negatively impact public perception of the professionalism of the judiciary. At the same time, the flawed and

inconsistent application of the SCM Regulation's provisions on the publication of court decisions poses a risk to the effective protection of personal data, particularly when sensitive information concerning individuals' private lives is disclosed.

CHAPTER III. THE PRACTICE OF ANONYMIZING JUDICIAL DECISIONS IN CASES INVOLVING OFFENSES AGAINST THE FAMILY AND MINORS

General information

The protection of personal data in cases concerning offenses against the family and minors (control group) represents an especially sensitive and complex matter, whose importance significantly increases given the delicate nature of the situations involved. Victims of domestic violence, child trafficking, the involvement of minors in criminal activities, or the use of illicit drugs and psychotropic substances are often subjected to severe forms of abuse and exploitation, typically within contexts of extreme vulnerability. Repeated exposure through the uncontrolled disclosure of their personal data in the public domain can lead to re-victimization, stigmatization, and the worsening of their trauma.

In this regard, the anonymization (depersonalization) of information in judicial decisions is not only a legal obligation, but also a moral and social imperative, aimed at ensuring the integrity, dignity, and safety of those concerned. To illustrate the level of compliance with these principles, this analytical document has selected and additionally reviewed 200 judicial decisions falling under the category of “offenses against the family and minors,” clearly highlighting the need for courts to exercise increased diligence in the anonymization of personal data.

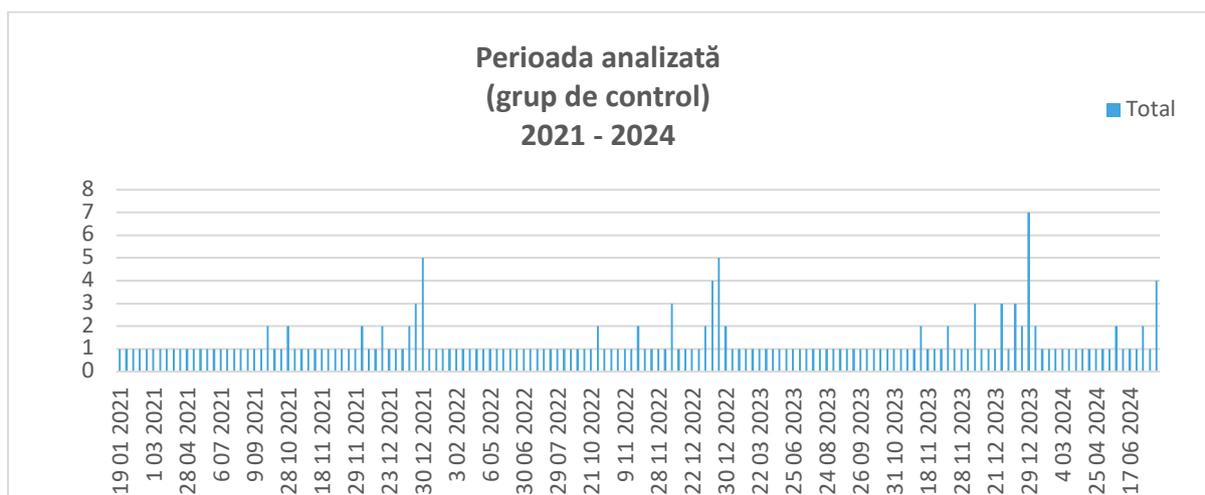


Figure 9. Number of analyzed decisions and their issuance period (control group)

The analysis results show that 134 decisions (67%) out of the 200 reviewed do not meet the standards set by the SCM Regulation.

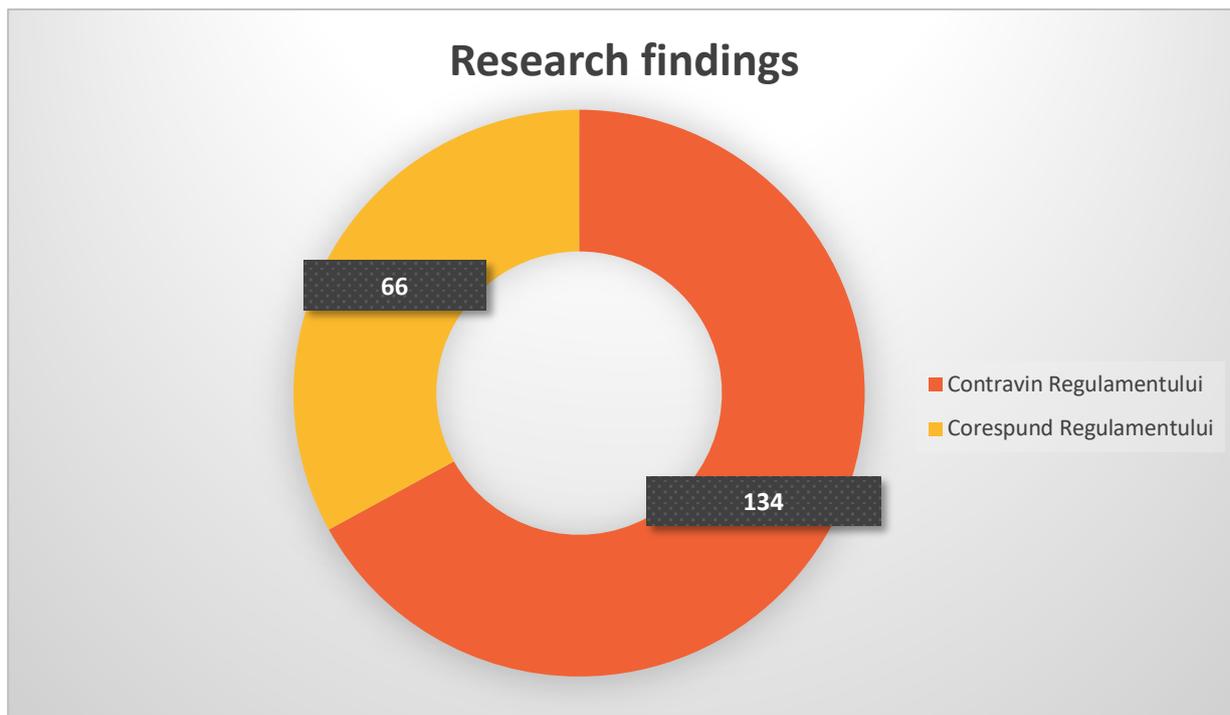


Figure 10. Results of the analysis of court decisions in cases involving offenses against the family and minors

Similar to the general category of cases, most violations of the SCM Regulation were found at the level of district courts, with 111 decisions (74%) out of the 150 first-instance rulings analyzed showing non-compliance. A comparable situation was observed at the Supreme Court of Justice (SCJ), where 7 out of 10 decisions (70%) were improperly anonymized. The situation is relatively better at the appellate level, where 16 out of 40 decisions (40%) were identified as problematic. No court was found to be in full compliance with the SCM Regulation.

Similar to the cases analyzed in the previous section, the most frequent violations concern non-compliance with point 20 of the SCM Regulation, which requires the ex officio anonymization of personal data. These include improper anonymization of other data (66 cases), date of birth (29 cases), or home address (29 cases), among others. The analysis confirms a widespread issue, with at least 120 out of the 134 decisions identified with irregularities (90%) failing to comply with this rule.

In 59 decisions (44% of the 134 with violations), non-compliance was identified with point 18 letter a), which mandates the anonymization of party names to protect morality, minors, or private life. Additionally, in more than 35 decisions (26% of all analyzed rulings), judges—excluding those from appellate courts—excessively anonymized the names of defendants, perpetrators, or instigators, despite the explicit prohibition outlined in point 18 letter b) of the SCM Regulation.

There are also 31 judicial decisions (23% of the 134 identified with violations) in which judges breached point 21 of the SCM Regulation. In most of these cases, there was excessive anonymization of the names of judges (or the court itself), prosecutors, and lawyers within the judicial rulings.

Similar to the issue highlighted in the previous section of the analysis, several decisions were found to be only partially anonymized. In total, 57 such cases were identified (43% of the 134 rulings with violations).

Disaggregated information on the specific situation in each court, as well as with respect to each point of the SCM Regulation, is presented in the table below. However, it should be noted that, compared to the earlier categories of cases analyzed (civil, administrative, and criminal), the data related to a specific court cannot always be objectively assessed due to the limited number of judicial decisions identified.

Table 9. Distribution of non-compliant decisions from the general group with the SCM Regulation per court (control group)

Court	No. of decisions identified with violations	Do not comply with the SCM Regulation	
Edineț	10	10	100%
Anenii Noi	10	5	50%
Bălți	10	10	100%
Căușeni	10	8	80%
Chișinău	10	8	80%
Cimișlia	10	8	80%
Comrat	10	6	60%
Criuleni	10	8	80%
Drochia	10	6	60%
Hâncești	10	7	70%
Strășeni	10	9	90%
Soroca	10	7	70%
Ungheni	10	7	70%
Orhei	10	7	70%
Cahul	10	5	50%
Grand Total	150	111	74%

Court	No. of decisions identified with violations	Not comply with the SCM Regulation	
CA Bălți	10	4	40%
CA Cahul	10	1	10%
CA			100%
Chișinău	10	10	100%
CA Comrat	10	1	10%
Grand Total	40	16	40%

Court	No. of decisions identified with violations	Not comply with the SCM Regulation	
CSJ	10	7	70 %
Grand Total	10	7	

As in the case of the first category of cases, the results of the analysis confirm the inconsistent application of the rules regarding the anonymization of court decisions involving minors or victims of domestic violence. This issue affects all courts, particularly the district courts. A particularly concerning situation is observed at the Supreme Court of Justice, where 7 out of 10 cases analyzed (70%) were published in violation of the provisions of the SCM Regulation.

The detailed analysis reveals a ranking of the most frequently breached rules. Similar to the findings regarding decisions in the general group, the most commonly disregarded provision is point 20 of the SCM Regulation, which refers to the obligation to conceal, ex officio, personal data (such as address, date and place of birth, registration number, or other data).

Partial anonymization remains a major challenge also in relation to court decisions in cases concerning offences against the family and minors (57 decisions). The analysis results indicate a compliance issue also regarding the anonymization of party data when the circumstances of the case affect morality, minors, or private life.

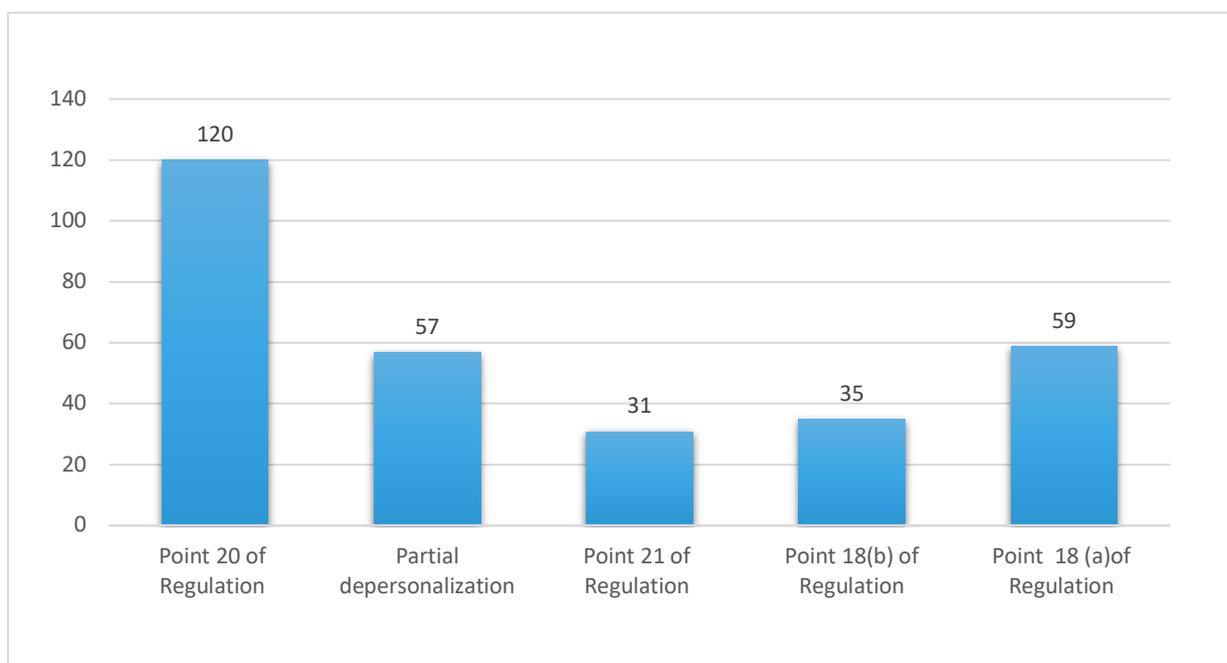


Figure 11. Distribution of non-compliant court decisions from the control group by targeted rule

Rule 1. Degree of compliance with point 21 of the SCM Regulation

“Anonymization/hiding shall never apply to information about courts or judicial panels, clerks, prosecutors, official inspectors, mediators, bailiffs, notaries, and lawyers. The names of legal entities shall never be hidden.”



The analysis of court decisions in cases concerning offences against the family and minors, regarding compliance with point 21 of the SCM Regulation, confirms a lack of compliance with this rule in 31 decisions (23%) out of the 134 court decisions identified as non-compliant.

In most cases, the rule stipulated in point 21 of the SCM Regulation is breached at the level of district courts. The courts with the highest rate of violations were identified in the Hîncești and Orhei district courts (57% of the decisions analyzed in each), followed by the Strășeni (33%) and Edineț (30%) district courts.

In district courts, the most common instances of excessive anonymization involve data concerning the court itself (10 cases), the prosecutor (8 cases), and the lawyer/representative of one of the parties (7 cases).

In the case of courts of appeal, the rate of violations of point 21 is significantly lower. The most frequent breaches were identified at the Chișinău Court of Appeal (30%) and the Bălți Court of Appeal (25%).

At the level of the Supreme Court of Justice, the provisions of point 21 of the SCM Regulation are fully respected. However, in 2 out of the 7 decisions (29%), deviations from this rule were still identified.

Detailed results per court regarding compliance with point 21 of the SCM Regulation are presented in Table 10.

Table 10. Distribution of decisions from the control group per court regarding compliance with point 21 of the SCM Regulation.

Court	No. of decisions identified with			
	violations	Decisions that violate point 21		
Edineț	10	3		30,0%
Anenii Noi	5	0		0,0%
Bălți	10	2		20,0%
Cahul	5	1		20,0%
Căușeni	8	0		0,0%
Chișinău	8	2		25,0%
Cimișlia	8	1		12,5%
Comrat	6	1		16,7%

Criuleni	8	2	25,0%
Drochia	6	1	16,7%
Hâncești	7	4	57,1%
Orhei	7	4	57,1%
Strășeni	9	3	33,3%
Ungheni	7	0	0,0%
Soroca	7	1	14,3%
Grand Total	111	25	

Court	No. of decisions identified with violations	Decisions that violate point 21	
CA Bălți	4	1	25%
CA Cahul	1	0	0%
CA Chișinău	10	3	30%
CA Comrat	1	0	0%
Grand Total	16	4	

Court	No. of decisions identified with violations	Decisions that violate point 21	
CSJ	7	2	29%
Grand Total	7	2	

The analysis of data categories most frequently anonymized—despite the rule explicitly stating they must never be anonymized—shows that in 10 decisions, the name of the court was anonymized. This is followed by the anonymization of the prosecutor's name, which was identified in 8 decisions. Detailed information is presented in Figure no. 12.

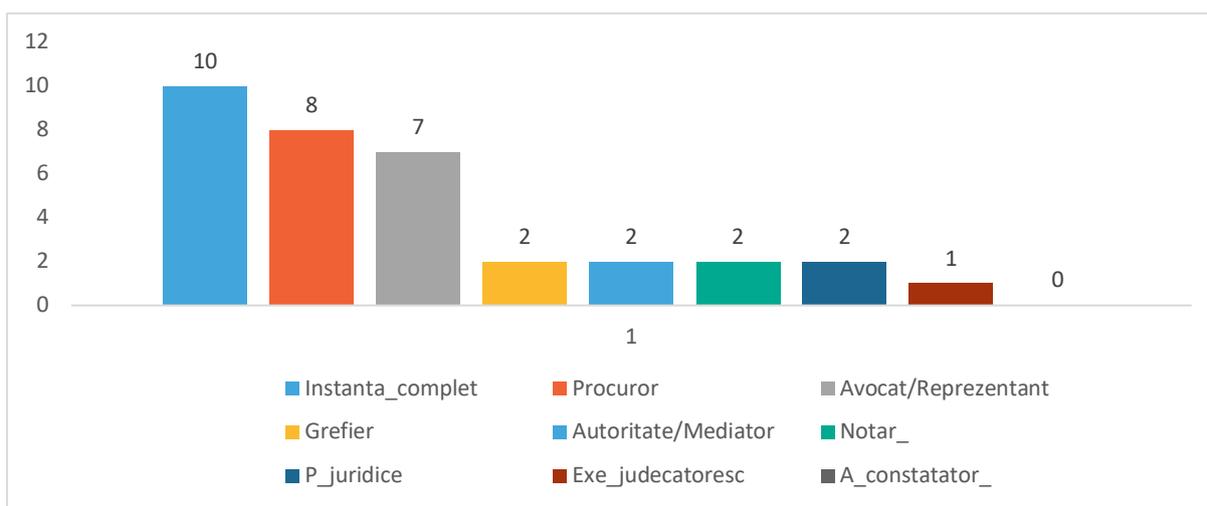


Figure 12. Non-compliance with provisions from point 21 by category (in control group decisions)

Illustrative examples:

Non-compliance – the prosecutor’s name was anonymized

S E N T I N Ţ Ă
în numele Legii

18 noiembrie 2021
Hînceşti mun.

Judecătoria Hînceşti, sediul Central
Instanţa de judecată în componenţa:
Preşedintele şedinţei, judecător - Natalia Berbec
Grefier - Corina Dirvici
Cu participarea:
Procurorului – ****
Părţii vătămate – Eugenia Luca
Avocatului – Marian Bernicova

judecând în şedinţa de judecată, în ordinea procedurii simplificate de judecare a cauzei, pe baza probelor administrate în faza de urmărire penală, cauza penală privind învinuirea lui:
*****, a/n *****, originar si domiciliat în sat. *****,
cetăţean al RMoldova, neangajat, supus militar, celibatar,
anterior nejudecat,

de comiterea infracţiunii prevăzute de art. 201¹ alin. (2) lit. c) Cod penal.

Non-compliance – the judge’s name was anonymized

Dosarul nr. 1a-751/22,
Călăraşi
nr. PIGD: 1-21144784-02-1a-21042022,

Judecătoria Străşeni, sediul
Preşedintele şedinţei: Valeriu Arhip

D E C I Z I E
în numele Legii

22 februarie 2023,
Chişinău mun.

Colegiul Penal al Curţii de Apel Chişinău,
în componenţa

Preşedintele şedinţei de judecată Alexandru Spoială
Judecătorii **** Diaconu şi Silvia Gîrbu

Grefier Creţu Ala

Cu participarea:
- procurorului Plîngău Alexandru
- avocatul Jian Vladislav
- inculpatului Bînzari Vadim
-

Non-compliance – the lawyer's name was anonymized

*Dosarul nr. 1-
248/2019*

SENTINȚĂ
În numele Legii
în baza art. 364¹ CPP

30 decembrie 2021

orașul Ialoveni

Judecătoria Hîncești, sediul Ialoveni

Instanța compusă din:

Președintele ședinței, judecător

Viorel Botnaraș

Grefier

Veronica Valuța,

cu participarea:

Procurorului – Leu Petru,

Avocaților – ***** și ***** în interesele inculpaților,

Avocatul Postica Serghei în interesele lui Racoveț Galina și Valeria,

a judecat în ședință de judecată publică, în baza art. 364¹ CPP, cauza penală de

Rule 2. Depersonalization in the interests of morals, juveniles, or private life (point 18 (a) of the SCM Regulation)

“In case of **criminal, contravention, civil, or other** trials in order to **protect morals, juveniles, or the private live of the parties, the names of those affected** in light of these values and interests ***shall always be anonymized***”



In 59 decisions (or 44% of the total 134 identified as non-compliant), a breach of the SCM Regulation was found in relation to point 18 letter a). The courts with the highest rate of violations were identified in the district courts of Căușeni (88%), Bălți (70%), and Hîncești (57%).

In the case of the courts of appeal, the rate of violations of point 18 letter a) is approximately 57%. The most frequent violations were identified at the Chișinău Court of Appeal (6 decisions, or 60% of the 10 decisions found to be non-compliant).

At the level of the Supreme Court of Justice, the provisions of point 18 letter a) of the Regulation were not respected in 5 out of the 7 decisions (71%) identified with violations.

Table 11. Distribution of decisions from the control group per court regarding the compliance with point 18 letter (a) of the SCM Regulation

Court	No. of decisions identified with violations	Decisions that violate point 18 (a)	
Edinet	10	4	40%
Anenii Noi	5	0	0%
Bălți	10	7	70%
Cahul	5	2	40%
Căușeni	8	7	88%
Chișinău	8	4	50%
Cimișlia	8	4	50%
Comrat	6	1	17%
Criuleni	8	2	25%
Drochia	6	1	17%
Hîncești	7	4	57%
Orhei	7	1	14%
Strășeni	9	5	56%
Ungheni	7	1	14%
Soroca	7	2	29%
Grand Total	111	45	41%

Court	The number of the examined decisions	Decisions that violate point 18 (a)	
CA Bălți	4	1	25%
CA Cahul	1	1	100%
CA Chişinău	10	6	60%
CA Comrat	1	1	100%
Grand Total	16	9	56%

Court	The number of the examined decisions	Decisions that violate point 18 (a)	
CSJ	7	5	71%
Grand Total	7	5	71%

Most non-compliances—52 decisions—were identified in cases considered to affect the best interests of the child. These cases involved situations where data concerning minors were not properly anonymized. The ranking of violations is completed by 8 decisions in which non-compliance with the SCM Regulation was found in cases classified as requiring the protection of private life. In the category of cases reported as requiring the protection of morality, 6 decisions were identified in which anonymization rules were not respected.

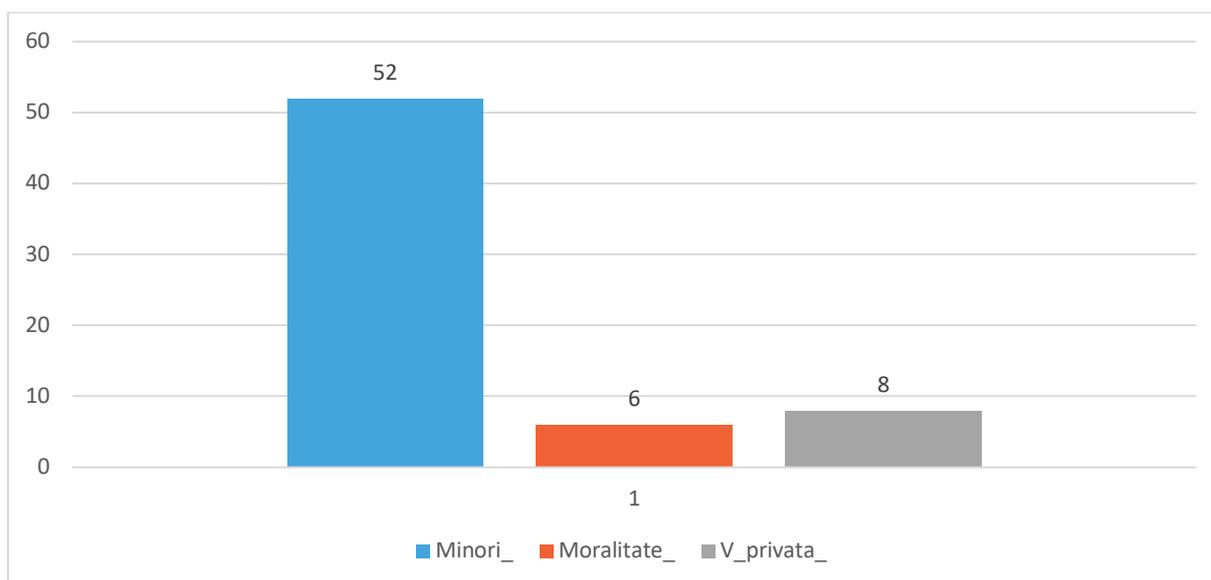


Figure 13. Non-compliance with provisions from point 18 (a) by category in control group decisions)

Illustrative examples:

**To avoid re-victimization, the authors of the study have redacted personal data that were not anonymized when the court decisions were published and are included as examples in this document.*

Non-compliance – the names of the parties were not anonymized to protect the child

3.1 În motivarea cererii de apel avocatul Albu Vasile a indicat că:

- instanța nu s-a expus asupra tuturor motivelor și circumstanțelor invocate de apărare, nu a dat o apreciere la justa valoare a depozițiilor așa-ziselor victime, la depozițiile inculpatului și a copiilor acestora;
- principalul vinovat - organizator al destabilizării situației și climatului din casa soților Ivanov – Luca, este însăși Luca Lilia. Chiar și în perioada de acțiune, copiii minori ai cuplului fiind supuși presiunii fizice și psihice din partea mamei Luca Lilia, au evadat de la ea la domiciliul tatălui, luând cu ei și lucrurile personale necesare, pentru furtul căror ulterior a fost învinuit tatăl lor Ivanov Anatolie. Dorința așa-zisei părți vătămate Luca Lilia de a se răzbuna azi, pentru eșecul de conviețuire conjugală, pentru faptul, că propriii ei copii l-au preferat pentru traiul în viitor pe tata, fapt consfințit și de aceeași instanță de judecată, care a determinat domiciliul copiilor minori [redacted] pe lângă tatăl lor A. Ivanov, au dispus și determinat hărțuirea sistematică a lui Ivanov din

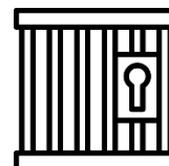
Non-compliance – personal data were not anonymized to protect private life

acționând împreună și de comun acord cu Subotin Olesea și Sandu Serghei, care la acel moment se aflau în or. Soroca, urmărind scopul exploatarei sexuale comerciale în prostituție a unui copil, prin intermediul ultimilor, prin înșelăciune, sub pretextul angajării în câmpul muncii la un lucru bine plătit în or. Moscova, Federația Rusă în calitate de dădacă și prin abuz de poziție de vulnerabilitate a copilului, manifestată prin situația precară din punct de vedere a supraviețuirii sociale au recrutat-o pe minora [redacted] a.n. [redacted] pentru exploatare sexuală comercială și în prostituție pe teritoriul Federației Ruse.

Ulterior, tot în perioada indicată de timp, Subotin Olesea, după ce a obținut prin înșelăciune consimțământul **victimei minore** [redacted] de a pleca la muncă în Federația Rusă, acționând împreună și de comun acord cu Putina Ghenadie, care la acel moment se afla în or. Moscova, Federația Rusă, și de comun acord cu Sandu Serghei, întru realizarea intenției infracționale comune de transportare a victimei minore în țara de destinație, cu un

Rule 3. Degree of compliance from point 18 letter b) of the SCM Regulation

“In criminal or contravention trials in order to protect morals, juveniles, or private live of the parties, the names of perpetrators, instigators, or accomplices shall never be anonymized, even if the perpetrators, instigators, or accomplices are juveniles.”



Given that the cases analyzed in this category are exclusively criminal cases, particular attention was paid to compliance with point 18 letter b), which sets out a mandatory prohibition on anonymizing the names of perpetrators, instigators, or accomplices. The analysis of court decisions regarding compliance with point 18 letter b) confirms that there is a compliance issue in at least 37 decisions (26% of the total 134 identified with violations).

Most of the violations occurred at the level of district courts (36 decisions). The district courts with the highest rate of violations are: Ungheni, Criuleni, Bălți, and Edineț. No violations of point 18 letter b) were identified at the level of the courts of appeal. At the Supreme Court of Justice, a single violation of point 18 letter b) of the SCM Regulation was found.

Detailed results for each district court regarding the level of compliance with point 18 letter b) of the SCM Regulation are presented in Table 12.

Table 12. Distribution of decisions from the control group per court regarding compliance with point 18 letter (b) of the SCM Regulation

Court	No. of decisions identified with		Decisions that violate point 18 (b)
	violations		
Edineț	10	5	50,0%
Anenii Noi	5	0	0,0%
Bălți	10	5	50,0%
Cahul	5	1	20,0%
Căușeni	8	3	37,5%
Chișinău	8	2	25,0%
Cimișlia	8	3	37,5%
Comrat	6	2	33,3%
Criuleni	8	4	50,0%
Drochia	6	0	0,0%
Hâncești	7	3	42,9%
Orhei	7	2	28,6%
Strășeni	9	2	22,2%
Ungheni	7	4	57,1%
Soroca	7	0	0,0%
Grand Total	111	36	32,4%

Court	No. of decisions identified with violations	Decisions that violate point 18 (b)	
CA Bălți	4	0	0,0%
CA Cahul	1	0	0,0%
CA Chișinău	10	0	0,0%
CA Comrat	1	0	0,0%
Grand Total	16	0	

Court	No. of decisions identified with violations	Decisions that violate point 18 (b)	
CSJ	7	1	14%
Grand Total	7	1	

Illustrative examples:

Non-compliance – the defendant's name was anonymized

<p>Dosarul nr. 1-44/22 (1-22046332-24-1-04042022)</p> <p style="text-align: center;">SENTINȚĂ În numele legii</p> <p>30 iunie 2022 or. Criuleni</p> <p>Judecătoria Criuleni, sediul central Instanța compusă din: Președintele ședinței, judecător Veaceslav Suciu Grefier Alina Chirilov Cu participarea: Procurorului Ivan Rapeșco Avocatului Constantin Goncear</p> <p>a judecat în ședință publică, cauza penală privind învinuirea lui *****, născut la *****, originar și locuitor al s. *****-r-nul Criuleni, studii medii incomplete, celibatar, neangajat în câmpul muncii, fără antecedente penale, moldovean, cet. al RM,</p> <p>învinuit de săvârșirea infracțiunii prevăzute de art. 208¹ Cod penal RM. Termenul de examinare a cauzei: 04.04.2021 - 30.06.2022. Cauza judecată conform art.364¹ CPP, pe baza probelor administrate în faza de urmărire penală. Procedura de citare legal executată. În baza materialelor din dosar și a probelor administrate în ședința de judecată, instanța,</p> <p style="text-align: center;">CONSTATĂ:</p> <p>*****, aflându-se în s.*****-r-nul Criuleni, acționînd cu intenția unică de a folosi și</p>

Rule 6. Degree of compliance from point 20 of the SCM Regulation

“[...] The following categories of personal data shall always be hidden: the place and date of birth of individuals and/or their residence, their phone number, personal identification number (IDNP), health-related data (regardless of the illness), banking information, vehicle registration number, personal health insurance number, social security number, as well as any other data, in accordance with the Law no. 133 of 8 July 2011 on the protection of personal data.”



The provisions of point 20 of the SCM Regulation establish a mandatory obligation to automatically conceal certain categories of personal data in court decisions, regardless of the type of case or whether such concealment was requested by one of the parties. The analysis of court decisions in the control group with respect to compliance with point 20 confirms a significant compliance issue in 120 decisions (90%) out of the 134 court decisions identified with violations.

Most of the violations occurred at the level of district courts (103 decisions or 92%). In 9 out of 15 district courts, the rate of violations reached 100%.

At the level of the courts of appeal, violations of point 20 were identified in 14 decisions concerning offences against the family and minors. In relation to the number of decisions analyzed, such rulings were most frequently issued by the Chişinău Court of Appeal (90%). Most often, personal data that were not concealed included phone numbers (6 cases), address or place of residence (4 cases), medical information (4 cases), place and date of birth (2 cases), and vehicle registration number (1 case). In the case of the Supreme Court of Justice, the provisions of point 20 of the SCM Regulation were not respected in three decisions involving offences against the family and minors. The violations referred to the open disclosure of minors' names, as well as the open disclosure of the victim's address.

Detailed results for each court regarding the level of compliance with point 20 of the SCM Regulation are presented in Table 13.

Table 13. Distribution of decisions from the control group per court regarding compliance with point 20 of the SCM Regulation

Court	No. of decisions identified with violations	Decisions that violate point 20	
Edineţ	10	10	100,0%
Anenii Noi	5	5	100,0%
Bălţi	10	10	100,0%
Cahul	5	5	100,0%
Căuşeni	8	8	100,0%
Chişinău	8	7	87,5%
Cimişlia	8	7	87,5%

Comrat	6	6	100,0%
Criuleni	8	7	87,5%
Drochia	6	6	100,0%
Hâncești	7	6	85,7%
Orhei	7	5	71,4%
Strășeni	9	7	77,8%
Ungheni	7	7	100,0%
Soroca	7	7	100,0%
Grand Total	111	103	92,8%

Court	No. of decisions identified with violations	Decisions that violate point 20	
CA Bălți	4	3	75%
CA Cahul	1	1	100%
CA Chișinău	10	9	90%
CA Comrat	1	1	100%
Grand Total	16	14	88%

Court	No. of decisions identified with violations	Decisions that violate point 20	
CSJ	7	3	43%
Grand Total	7	3	43%

Most often, non-compliance with anonymization rules was found under the category of “other data” in 66 decisions, followed by date of birth in 29 decisions, and address/place of residence (29 cases). The detailed analysis is presented in Figure no. 14.

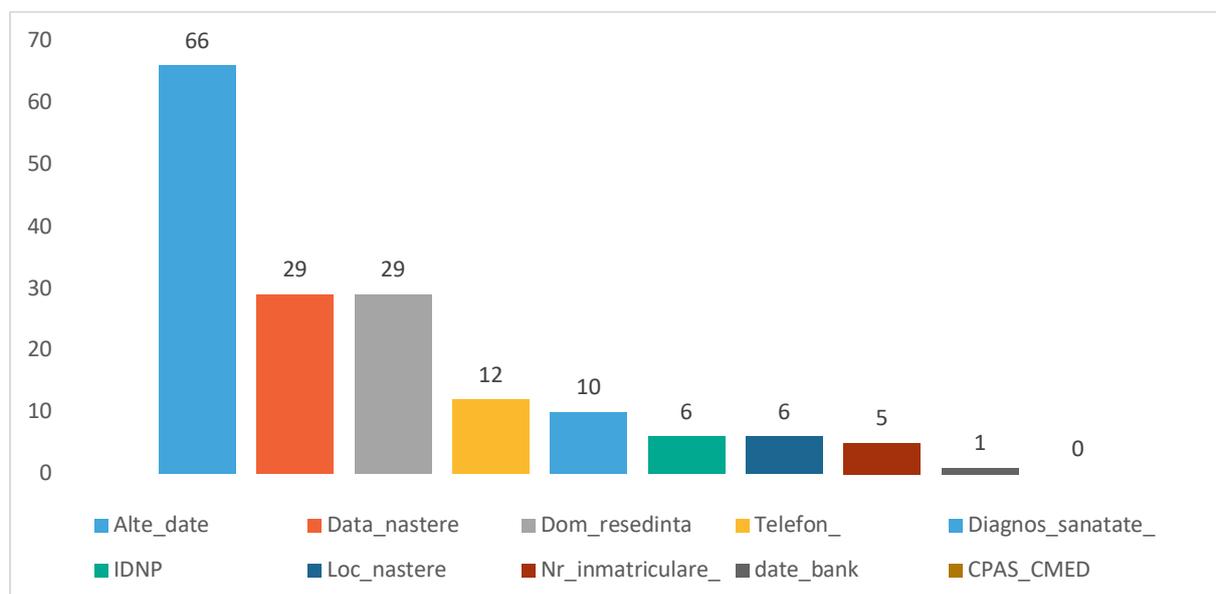


Figure 14. Non-compliance with provisions from point 20 by category (in control group decisions)

Illustrative examples:

Non-compliance – the expert report number was anonymized (other data)

c o n s t a t ă :

DOROJNEAC Dumitru Ion, la data de 08 februarie 2023, aproximativ la ora 07:30, aflându-se la domiciliul din s. Pîrîta, raionul Dubăsari, pe fondul unui conflict familial violent, urmărind scopul maltratării și cauzării suferințelor fizice concubinei Daniela COICA, cu care, aflându-se în relații asemănătoare celor dintre soți, în condiția conlocuirii, potrivit art. 133¹ lit. a) Cod penal, sunt membri de familie, i-a aplicat acesteia lovituri cu pumnii în regiunea capului și o lovitură cu cuțitul în gamba piciorului sting, cauzându-i conform raportului de expertiză judiciară nr. ***** din 15.05.2023, vătămare corporală ușoară, exprimată prin traumă cranio-cerebrală închisă manifestată prin comoție cerebrală; contuzia țesuturilor moi a feței manifestate prin edem, excoriație și echimoză; plagă contuză în regiunea gambei stingi.

Astfel, DOROJNEAC Dumitru Ion a săvârșit infracțiunea prevăzută de art. 201¹ alin. (1) lit. a) din Codul penal – violența în familie, adică acțiunea intenționată comisă de un membru al familiei în privința altui membru al familiei, manifestată prin acțiuni violente, soldate cu vătămare ușoară a integrității corporale și a sănătății.

Non-compliance – unnecessary data were anonymized (other data)

a constatat

1.1. **Minorul Vascan Alexandru**, în noaptea de 16 aprilie 2020, în intervalul de timp cuprins între orele 02⁵⁰-03¹⁰, urmărind scop de profit și de sustragere pe ascuns a bunurilor altei persoane, în urma unei înțelegeri prealabile cu minorul Vascan Stanislav *****, care nu a atins vârsta de atragere la răspundere penală, la inițiativa și instigarea lui Gandrabur Nicolae *****, precum și de comun acord, prin forțarea ușii, au pătruns în magazinul SRL „Market-Prim nr. 15”, amplasat pe str. Iachir, nr. 27 din mun. Orhei, de unde au sustras pe ascuns, 63 pachete țigări *****, cu valoarea unui pachet de 31 lei, în total în sumă de 1 953 lei, 28 pachete de țigări *****, cu valoarea unui pachet de 34 lei, în total în sumă de 952 lei, 14 pachete țigări *****, cu valoarea unui pachet de 34 lei, în total în sumă de 476 lei, 39 pachete țigări *****, cu valoarea unui pachet de 28 lei, în total în sumă de 1 092 lei, 49 pachete țigări „****”, cu valoarea unui pachet de 28 lei, în total în sumă de 1 372 lei, 18 pachete țigări „****”, cu valoarea unui pachet de 30

Non-compliance – the IP address was not anonymized (other data)

a c o n s t a t a t :

Radul Serghei, în perioada de timp de la 04.11.2018 până la 28.07.2020, aflându-se la domiciliul său amplasat în mun. Chișinău, str. N. Titulescu, nr. 28, ap. 77, acționând cu intenția directă de a descărca din spațiul Internet, și distribui imagini foto/video și alte reprezentări ale mai mulți copii implicați în activități sexuale explicite, reale și simulate, imagini și alte reprezentări ale organelor sexuale ale unui copil, reprezentate de manieră lascivă și obscenă, utilizând

sistemul informatic cu inscripția pe bloc „Zalman”, precum și rețeaua Internet cu IP adresa: [redacted] ce i-a fost alocată lui potrivit bazei regionale <https://www.ripe.net/> de către compania de prestare servicii internet SC „Starnet Soluții” SRL, intenționat prin intermediul programei specializate „uTorrent”, în baza principiului „de la egal la egal” a copiat și distribuit 342 fișiere grafice și video, cu conținut de pornografie infantilă, care conform bazei de date specializate în identificarea victimelor pornografiei infantile, abuzului și exploatarei sexuale a copiilor „ICSE”, administrată de OIPC „Interpol” și bazei de date internațională polițienească „ICACCOPS”, reprezintă pornografie infantilă.

Non-compliance – unnecessary data were anonymized (other data)

cauza s-a aflat pe rolul instanței de fond de la 19 octombrie *****)0*****)1 pînă la *****) decembrie *****) *****)1,

În baza materialelor din dosar și a probelor administrate la faza de urmărire penală, instanța de judecată

CONSTATĂ:

*****) la 13 iulie *****)0*****)1, aproximativ la ora *****)3⁰⁰, în timp ce se afla împreună cu sora sa *****) la domiciliul comun din s. *****) r. Orhei, fiind membru de familie cu aceasta, urmărind scopul comiterii violenței în familie, fiind în stare de ebrietate alcoolică, provocată de consumul băuturilor spirtoase, în cadrul unui conflict iscat cu sora sa *****) , a agresat-o fizic, prin aplicarea mai multor lovituri cu pumnii și o

Depersonalization without depersonalization

Similar to the situation noted in the previous section, partially anonymized court decisions were identified in cases concerning offences against the family and minors. In total, 57 decisions were found (43% of the 134 decisions identified with violations).

Most of the improperly anonymized decisions were identified at the level of district courts (46 decisions). In the case of the courts of appeal, partial anonymization was found in 6 decisions (or 37% of the 16 identified). Among the 7 decisions of the Supreme Court of Justice, 5 (71%) were partially anonymized.

Table 14. Distribution of decisions from the control group per court regarding partial anonymization

Court	No. of decisions identified with violations	Decisions partial (defective) anonymization was identified	
Edinet	10	3	30,0%
Anenii Noi	5	1	20,0%
Bălți	10	7	70,0%
Cahul	5	2	40,0%

Căușeni	8	4	50,0%
Chișinău	8	5	62,5%
Cimișlia	8	3	37,5%
Comrat	6	4	66,7%
Criuleni	8	2	25,0%
Drochia	6	3	50,0%
Hâncești	7	2	28,6%
Orhei	7	2	28,6%
Strășeni	9	4	44,4%
Ungheni	7	2	28,6%
Soroca	7	2	28,6%
Grand Total	111	46	41,4%

Court	No. of decisions identified with violations	Decisions partial (defective) anonymization was identified	
CA Bălți	4	0	0,0%
CA Cahul	1	0	0,0%
CA			
Chișinău	10	6	60,0%
CA Comrat	1	0	0,0%
Grand Total	16	6	37,5%

Court	No. of decisions identified with violations	Decisions partial (defective) anonymization was identified	
CSJ	7	5	71%
Grand Total	7	5	

CONCLUSIONS

Based on the purpose and objectives of this research, the results obtained allow us to draw the following conclusions and findings.

The comparative analysis of the 2020 data and those obtained in the current study highlights a decrease in the level of non-compliance with the SCM Regulation, from 63% to 51%. While this decline indicates a notable improvement, the situation remains problematic, as every second court decision still fails to comply with anonymization rules.

The analysis of data that continues to be improperly anonymized under the SCM Regulation highlights the need for further clarification. The most frequent non-compliance concerns the failure to observe the provisions of point 20 of the SCM Regulation, which requires the anonymization of personal data such as address, date and place of birth, vehicle registration number, medical diagnosis, and, in particular, “other data.” This latter concept, being broad and open to interpretation, allows for the inclusion of any information that could lead to the identification of a person under Law no. 133. The study revealed that this category - “other data”—is precisely the one generating the highest number of violations, both within the general group of decisions and within the control group. Therefore, a more concrete and detailed definition of “other data” could simplify the anonymization process and contribute to greater consistency in anonymization practices.

Another key finding of the analysis relates to the category of data for which the need for anonymization is less clear, such as cadastral number, vehicle make, IP address, IMEI number, or driver’s license number. With respect to the anonymization of such data, the study identified inconsistent application. In some court decisions, this information was anonymized; in others, it remained visible - highlighting the need for clear criteria regarding when such data should or should not be anonymized.

Situations were also identified in which automatic anonymization was erroneously triggered due to incorrect entry of certain data in court decisions (for example, using the abbreviation “IDNP” instead of the tax identification number). These inconsistencies highlight the need for standardizing and harmonizing the drafting of court decisions.

From a technical perspective, the PIGD system appears to use automatic anonymization filters. While these tools reduce manual effort, they cannot distinguish the context in which information should or should not be hidden. For instance, the name of a locality anonymized as a place of birth or residence should remain visible when it refers to the headquarters of a legal entity or the location of the offense. This demonstrates that the mere use of technological solutions is not sufficient. Although the SCM Regulation stipulates that both judicial assistants and judges are responsible for verifying the outcome of automatic anonymization to correct potential errors and ensure full compliance with anonymization rules, the above findings indicate that this requirement is not always fulfilled.

Another issue identified is the excessive or intuitive anonymization of certain data, which can distort the meaning of the decision and affect its clarity. The causes may include a lack of knowledge about anonymization rules or the incorrect use of digital tools. In addition, it was observed that partial and inconsistent anonymization—of only parts of the text—renders the entire process ineffective and raises concerns about the quality of the final review.

In summary, the study highlights the need to clarify which categories of data must be protected, as well as the importance of human involvement in the validation of automatic anonymization. Better staff training, regular updates of guidance materials, and the implementation of consistent control and verification mechanisms could significantly improve compliance with the SCM Regulation, while also ensuring a fair balance between judicial transparency and the protection of personal data.

RECOMMENDATIONS

Based on the findings and conclusions drawn from the study, we propose the following set of recommendations to ensure a more uniform and effective application of the anonymization rules for court decisions, thereby achieving a fair balance between judicial transparency and the protection of personal data.

General recommendations:

- Develop and periodically update a clear guidance document for the correct application of the SCM Regulation provisions.
- Ensure regular training sessions for judges and judicial assistants on anonymization rules for court decisions. Practical examples should be integrated into trainings to prevent misinterpretations.
- Test and improve the technical functionalities of the PIGD system, including the introduction of an automated mechanism for verifying anonymization compliance.
- Conduct regular monitoring by the SCM/AAIJ of anonymization practices across all courts and publish periodic compliance reports.
- Include the verification of compliance with anonymization rules as part of Judicial Inspection controls.
- Organize regular surveys and/or hold thematic discussions with judicial assistants to assess their knowledge and understanding of the SCM Regulation, and to identify and address persistent issues in its application.
- Clearly define the categories of personal data that may be included in court decisions, to ensure uniform practices and prevent the excessive inclusion of information that would later require anonymization.
- Increased attention to the verification of judicial assistants' anonymization activities, to ensure compliance with the SCM Regulation.

Recommendations on the amendment of the SCM Regulation:

- Clarify the concept of "other data" in point 20 of the SCM Regulation by listing more examples of personal data that must always be anonymized, in line with Law no. 133 referenced in point 20 of the Regulation. The following data categories are proposed for inclusion: IP address, cadastral number, and driver's license number.

- Amend point 21 of the SCM Regulation to include, in addition to the data already listed (such as the court or judicial panel, clerk, prosecutor, reporting officer, mediator, bailiff, notary, and lawyer), other information such as data about official representatives (e.g., insolvency administrator) and the names of other relevant public institutions. Furthermore, besides stating that the name of legal entities should never be anonymized, it should be explicitly provided that identifying information about legal entities—such as tax identification number, registered office, bank account details, etc.—shall also not be subject to anonymization.
- Introduce additional provisions in the SCM Regulation to more clearly specify the types of offences and/or other sensitive cases (such as offences against life, physical integrity, sexual freedom, or those involving minors), and/or to establish precise criteria for protecting the personal data of victims and witnesses (at a minimum, their names and surnames). These amendments would ensure the consistent application of the anonymization rules in accordance with point 18 letter a) of the SCM Regulation.