

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

DECISION

Application no. 11375/21
Simona-Alberta TINU
against Romania

The European Court of Human Rights (Fourth Section), sitting on 31 March 2026 as a Committee composed of:

Ana Maria Guerra Martins*, President*,
Anne Louise Bormann,
Sebastian Răduleţu*, judges*,

and Valentin Nicolescu, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 11375/21) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 18 February 2021 by a Romanian national, Ms Simona-Alberta Preda (previously Tinu) ("the applicant"), who was born in 1987, lives in France and was represented by Ms P. Preda;

the decision to give notice of the application to the Romanian Government ("the Government"), represented by their Agent, Ms E.F. Ezer, of the Ministry of Foreign Affairs;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's complaint under Article 8 of the Convention of an alleged breach of her right to respect for her private life and correspondence, owing to her husband's unauthorised access to her email and social media accounts.

2. On 16 November 2025 the applicant notified the Court that she had changed her name from Tinu to Preda. The Court advised the parties that it would continue processing the application under the case name of

Tinu v. Romania. This corresponded to the applicant's name as referred to in her application lodged with the Court.

3. In 2018 the applicant moved to France for professional reasons while her husband, T.A., continued to live in Romania with their two children.

4. In January 2019 the applicant and her husband initiated divorce and child custody proceedings.

5. On 4 January 2019 the applicant lodged a complaint with the police, accusing her husband of accessing her email and Facebook accounts without authorisation on several occasions between October and December 2018, most probably, in her opinion, so that he could obtain compromising information about her that he could use in the divorce proceedings. She attached copies of several other criminal complaints that she had made against T.A. in the first days of January 2019 in the context of a dispute over visitation rights in respect of their children.

6. Under the supervision of the prosecutor's office attached to the Bucharest County Court, an investigation was opened into the crime of unauthorised access to a computer system (provided for by Article 360 §§ 1 and 3 of the Criminal Code). The applicant, who was represented by a lawyer of her choice, stated before the prosecutor that on 7 December 2018 her husband had surprised her by turning up at the airport during a trip she had made to another country. She had realised then that he could only have known about that trip by way of unauthorised access to her email account. On 9 December 2018 she had changed the passwords to her Facebook and Yahoo accounts, noticing that they had been accessed from various locations and that their security safeguards had been disabled so that no notifications would be sent after attempts to log in from unknown locations or devices. She mentioned that she had never given her passwords or access to her accounts to anyone else. The applicant gave the prosecutor a list of 11 instances when her accounts had been accessed from unknown IP addresses between 1 September and 9 December 2018.

7. The prosecutor questioned T.A. as a suspect, during which he declared that from the start of their marriage he and the applicant had had access to each other's Facebook and email accounts, as both had used the same computer and laptop in their home. T.A. further stated that the applicant had allowed him to access her email account in order to make online reservations, purchase and print her plane tickets or check her in for flights online. For those reasons, the applicant's Facebook and email accounts were also saved on his phone. In support of his assertions, T.A. submitted copies of several written messages between him and the applicant from 2015, 2016 and 2018 which showed that the spouses had had access to each other's Facebook accounts and that T.A. had been authorised by the applicant to change her password in March 2018. A message dated 2 December 2018 showed that the applicant had told T.A. details about the trip to another country mentioned in her complaint; she had informed him that she had managed to buy the tickets

and make the reservations and that she would like to change the accommodation that had previously been booked. T.A. explained that he had accessed the applicant's email account on that date in order to help her navigate the online booking process. Another electronic conversation on 3 December 2018 showed that T.A. had explained to the applicant that he had accessed her email account that day by mistake as the internet browser had automatically loaded it on his phone. The applicant replied: "Oki [*sic*] ... who knows, maybe you have used it before".

8. On 4 February 2020 the prosecutor decided to close the investigation into the applicant's complaint. The prosecutor examined the statements given by the applicant and T.A. and concluded that it could not be proved that T.A. had accessed the applicant's electronic correspondence without consent. Accordingly, no crime could be established.

9. The applicant complained against the above-mentioned decision before the superior prosecutor, reiterating the arguments raised in her initial complaint (see paragraphs 5 and 6 above).

10. On 20 May 2020 the chief prosecutor of the prosecutor's office attached to the Bucharest County Court confirmed the decision of 4 February 2020 to close the investigation, considering it lawful and thoroughly reasoned.

11. On 31 July 2020 the applicant's complaint against the prosecutor's decision of 4 February 2020 was rejected by the Bucharest County Court as ill-founded. The applicant, who was represented by a lawyer of her choice, admitted before the court that she had asked her husband's help in setting up and changing her password on a new phone that he had given her as a gift, but she stated that she had not expected that he would afterwards access her personal accounts without her consent. She did not contest the authenticity of the messages submitted as evidence by T.A. She further submitted that the acts committed by T.A. – namely, forcing her to go through divorce proceedings, separating her from her children and making public statements alleging that she had been unfaithful – had caused her psychological, physical and reputational damage. The statements in question had been untrue and had not been supported by any evidence, as no information to that effect could be found in her electronic correspondence. The court reviewed the statements given by the parties and the evidence submitted and considered that the evidence given by T.A. had succeeded in casting doubt on the allegations made by the applicant and clearly showed that the spouses had exchanged information about their passwords of their own accord. The Bucharest County Court held that, as doubt benefits the accused in criminal proceedings, the prosecutor's decision should therefore be upheld.

12. The applicant complained before the Court under Article 8 of the Convention of a breach of her right to private life and correspondence, owing to the authorities' failure to protect her from unlawful access to her personal information. She alleged that T.A., who was a public figure, had made public

statements on television alleging that the applicant had cheated on him during the trip of 7 December 2018.

THE COURT'S ASSESSMENT

13. The applicant complained that her husband had accessed her personal email and Facebook accounts without her permission on several occasions within a period of three months during their marriage. In that way he had obtained information about a trip she had taken and had surprised her by coming to the airport. He had then publicly alleged that she was cheating on him, after which he had filed for divorce.

14. The Court notes that the present case concerns alleged unauthorised access to an email account and a social media account. An individual can legitimately expect that the information contained on such accounts will not be disclosed without his or her consent, and the release of such information may result in a profound sense of intrusion into his or her "private life" and "correspondence" within the meaning of Article 8 of the Convention. Given that there is no doubt as to the seriousness of the alleged violation of the applicant's personal enjoyment of the right to respect for private life in the present case, the Court concludes that such messages fall within the scope of that provision (see *M.P. v. Portugal* (dec.), no. 27516/14, § 34, 7 September 2021).

15. As the present case concerns an interference with the applicant's private life by a private individual, rather than the State, the Court considers that it is necessary to examine the applicant's complaints from the perspective of the positive obligations incumbent on the State under Article 8 of the Convention.

16. The relevant principles concerning the State's positive obligations inherent to the effective protection of the right to private life and correspondence have been summarised in *M.P. v. Portugal* (cited above, §§ 33 and 39-42).

17. In the light of the above-mentioned case-law, the Court considers that it must first examine whether the existing legal framework allowed the applicant to effectively assert her right to respect for her private life, and second, whether the domestic court's handling of her case struck a fair balance between the competing interests at stake.

18. As regards the legal framework, the Court notes that the act of unlawful access to a computer system is punishable under criminal law (see paragraphs 5 and 6 above). Following the applicant's complaint, an investigation was opened under the supervision of the prosecutor's office attached to the Bucharest County Court (see paragraph 6 above). The applicant, who was represented by a lawyer of her choice, had the possibility of submitting oral and written evidence before the prosecutor and, subsequently, of contesting the prosecutor's decision before the superior

prosecutor and then before a court. Furthermore, the legal framework provides for the possibility for plaintiffs such as the applicant to join a claim for compensation to the criminal proceedings or to lodge a separate claim in that regard before the civil courts at the end of the criminal proceedings (see *Chiriac v. Romania* (dec.), no. 45558/08, §§ 34-38, 29 March 2016). The possibility of lodging a tort action is also available in cases of an infringement of one's right to reputation (ibid.). The Court notes that the applicant did not use any of those avenues.

19. In the light of the above, the Court considers that the legal framework in Romania offered, in cases such as the applicant's, adequate protection for the right to respect for private life and correspondence. The applicant did not claim the contrary. She chose to lodge a criminal complaint against T.A. and the domestic authorities examined the applicant's complaint. Nevertheless, the applicant disagreed with their decision. The Court must therefore review whether the national courts struck a fair balance between the competing interests at stake – namely, on the one hand, the applicant's right to respect for her private life, and, on the other, T.A.'s right to benefit from a reasonable opportunity to put his case before the court (including his evidence) in conditions that did not place him at a disadvantage compared to the applicant (see *M.P. v. Portugal*, cited above, § 46).

20. The Court notes that the domestic courts examined the evidence submitted by both parties and concluded, in a thoroughly reasoned decision delivered following proceedings that respected fair-trial guarantees, that the evidence in question had cast doubt on the applicant's allegations of unauthorised access to her email and social media accounts. That doubt prevented the court from finding that a crime had been committed by T.A. (compare *M.P. v. Portugal*, cited above, § 47). The Court further notes that it does not appear from the case file that any private information about the applicant obtained by way of the alleged unauthorised access had been made public by T.A., nor was such information used by T.A. in the divorce proceedings (contrast *M.P. v. Portugal*, cited above, §§ 48 and 49). As regards T.A.'s public statements that the applicant had been cheating, the applicant herself mentioned that those statements had not been based on information that he could have found in her electronic correspondence (see paragraph 11 above).

21. The Court reiterates that the choice of the means calculated to secure compliance with Article 8 of the Convention in the sphere of the relations of individuals between themselves is in principle a matter that falls within the Contracting States' margin of appreciation. There are different ways of ensuring respect for private life, and the nature of the State's obligation will depend on the particular aspect of private life that is at issue (see *Bărbulescu v. Romania* [GC], no. 61496/08, § 113, 5 September 2017).

22. In view of the above, the Court does not find any serious reason that would justify it substituting its view for that of the domestic authorities. On

the one side, the domestic authorities balanced the competing interests in the light of the principles set by the Court's case-law. On the other, since the applicant did not raise any civil claims, the only purpose of the criminal proceedings was to examine T.A.'s criminal responsibility, a question that cannot be decided by the Court (see, *mutatis mutandis*, *M.C. v. Bulgaria,* no. 39272/98, §§ 167 and 168, ECHR 2003-XII). The Court therefore considers that the State fulfilled its positive obligation to protect the applicant's right to respect for her private life and correspondence (see *M.P. v. Portugal*, cited above, §§ 50 and 51).

23. It follows that the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 7 May 2026.

Valentin Nicolescu Acting Deputy Registrar	Ana Maria Guerra Martins President