



Forthcoming hearing in September 2016

The European Court of Human Rights will be holding the following hearings in September 2016:

Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland (application no. 931/13): concerning the ban on two publishing companies' processing of taxation data.

After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage. A limited number of seats are reserved for the press. To be sure of having a place, you need to book in advance by contacting the Press Unit (+33 (0)3 90 21 42 08).

On 14 September 2016 at 9.15 a.m.: Grand Chamber hearing in the case of **Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland** (application no. 931/13)

The applicant companies, Satakunnan Markkinapörssi Oy and Satamedia Oy, are Finnish limited liability companies based in Kokemäki (Finland). Both companies published the newspaper *Veropörssi*, which reported on taxation information, in particular on persons' taxable income and assets.

In 2003 the second applicant company, together with a telephone operator, started an SMS-service permitting people to obtain taxation information from a database. The database had been created using information already published in 2002 in the newspaper *Veropörssi* on 1.2 million persons' income and assets, namely a third of all taxable persons in Finland.

In April 2003 the Data Protection Ombudsman brought administrative proceedings concerning the manner and extent of the applicant companies' processing of taxation data. The Data Protection Board dismissed the Ombudsman's request on the grounds that the applicant companies were engaged in journalism and so were entitled to a derogation from the provisions of the Personal Data Act. The case subsequently came before the Supreme Administrative Court, which in September 2009 found that the publication of the whole database could not be considered as journalistic activity but as processing of personal data, which the applicant companies had no right to do. That court, also taking into account the European Court of Human Rights case-law as well as a preliminary ruling issued by the Court of Justice of the European Union in the present case, balanced the applicant companies' right to freedom of expression against the tax-payers' right to privacy. Consequently, it quashed the earlier decisions and referred the case back to the Data Protection Board for a new decision. In November 2009 the Data Protection Board forbade the applicant companies from processing taxation information to the extent that they had in 2002 and from passing such data to the SMS-service. This decision was ultimately upheld by the Supreme Administrative Court in June 2012.

As a result of the ban, *Veropörssi* newspaper published significantly reduced taxation data in the autumn of 2009 and since then has not appeared. The SMS-service had already been shut down before then.

Relying on Article 10 (freedom of expression) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights, the applicant companies complain about the ban on them

processing taxation data, alleging that it amounted to censorship as well as discrimination vis-à-vis other newspapers which were able to continue publishing such information. Also relying on Article 6 § 1 (right to a fair hearing within a reasonable time), the companies complain about the excessive length – six years and six months – of the related administrative proceedings.

The application was lodged with the European Court of Human Rights on 18 December 2012.

In its Chamber [judgment](#) of 21 July 2015, the European Court of Human Rights held, by six votes to one, that there had been no violation of Article 10 of the European Convention. The Chamber found in particular that the Finnish courts' and authorities' decisions had been reasonable and had struck a fair balance between the competing interests at stake, namely the applicant companies' freedom to impart information about matters of public interest and the right to respect for private life of those tax-payers whose taxation information had been published. Nor did the Chamber find the sanction excessive; it had been administrative not criminal and had only banned the companies from publishing the information to a certain extent. The Chamber further held, unanimously, that there had been a violation of Article 6 § 1 as regards the length of the proceedings. Lastly, the Chamber rejected the applicant companies' complaints under Article 14 as being manifestly ill-founded.

On 14 December 2015 the case was referred to the Grand Chamber at the request of the applicant companies.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.