

European Court of Human Rights
Strasbourg

26 May 2020

The application about the indefinite retention of drink-drive records raises important legal questions

Article 8 of the European Convention of Human Rights guarantees a right to have data related to crimes and misdemeanours reviewed and, after some time and in most cases, removed. The Court has developed requirements on data storage and review procedures in a series of judgments (S. and Marper v. UK, Gaughran v. UK, Trajkovski and Chipovski v. North Macedonia, Gardel v. France, M.M. v. UK, Catt v. UK).

The most recent pending application, filed against Slovenia in March 2020,¹ concerns indefinite retention of data related to drink-drive misdemeanours. It also involves a lack of adequate review procedures and safeguards. It further relates to life-long differential treatment of those applying for driving permits after a "driving under the influence" conviction compared to other applicants.

We are twelve lawyers, professors, and organisations from ten different countries. We respectfully inform the Court that this application raises important legal questions that have not yet been answered by the Court. It raises issues that are important not only for Slovenia but for several other Council of Europe member states. Therefore, several jurisdictions would benefit from the Court's examination of this application.

Sincerely yours,

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¹ It is mentioned as the "Slovenian case" in the Strasbourg Observer article "The ECHR and the right to have a criminal record and a drink-drive history erased" <https://strasbourgobservers.com/2020/05/20/the-echr-and-the-right-to-have-a-criminal-record-and-a-drink-drive-history-erased> ; the text of the application is here: http://downloads.almamater.si/ECHR_Drink_Drive_2020%2520.pdf