**Data Protection at the European Court of Human Rights: Fundamental Principles and Recent Developments**

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Pre-Presentation Handout

## Fundamental Principles

*S. and Marper v. the United Kingdom:*[1]

> *"The protection of personal data is of fundamental importance to a person's enjoyment of his or her right to respect for private and family life, as guaranteed by Article 8 of the Convention. The domestic law must afford appropriate safeguards to prevent any such use of personal data as may be inconsistent with the guarantees of this Article [...] The domestic law should notably ensure that such data are relevant and not excessive in relation to the purposes for which they are stored; and preserved in a form which permits identification of the data subjects for no longer than is required for the purpose for which those data are stored […] [It] must also afford adequate guarantees that retained personal data were efficiently protected from misuse and abuse."* (para 103)

## Data Protection Law in the Convention Framework

Within the Convention framework, data protection issues primarily engage Article 8 of the Convention, which enshrines the right to respect for private and family life.

*European Convention on Human Rights, Article 8:*

> *Right to respect for private and family life*
>
> *1. Everyone has the right to respect for his private and family life, his home and his correspondence.*
>
> *2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

Article 8(2) establishes three points that an interference with Article 8 must fulfil. These form the framework in which the Convention preserves data protection standards.

1. Legality (that the interference is "in accordance with the law")
2. Legitimacy (that the interference pursues one of the legitimate aims listed in Article 8(2))
3. Proportionality (that the interference is "necessary in a democratic society")

Failure to ensure all three criteria will result in a violation of Article 8. This three-part test operates in the same way as limitations on Articles 9-11 of the Convention, even though those articles provide for different legitimate aims.

The text of Article 8(2) differs from Articles 9-11 by requiring that the interference be "in accordance with the law", rather than "prescribed by law", but the Court has established that this does not affect its meaning.[2]

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[1] *S. and Marper v. the United Kingdom,* (Apps. nos. 30562/04 and 30566/04) (Judgment, Grand Chamber, 4 December 2008).

[2] *Sunday Times v. the United Kingdom,* (App. no. 6538/74) (Judgment, Chamber, 26 April 1979), para 48.

The following sections provide an overview of the Court's case law on:

(1) interferences with Article 8 concerning data protection,
(2) the legality of the interference,
(3) the legitimacy of the interference, and,
(4) the proportionality of the interference,

It then turns to a selection of recent developments in this field.

**(1) Interference**

The threshold for an interference with Article 8 in the data protection domain is a particularly low one, as established in *S. and Marper*:[3]

> *"The mere storing of data relating to the private life of an individual amounts to an interference within the meaning of Article 8…"* (para 67).

'Data' is interpreted broadly by the Court to include correspondence, telephone communications,[4] DNA samples,[5] fingerprints,[6] surveillance data,[7] GPS data,[8] medical data,[9] computer use data[10] and voice recordings,[11] amongst others.

Once an interference is identified, the burden of proof shifts to the respondent government, which must establish that the interference is legal, legitimate and proportionate.

**(2) Legality (that the interference is "in accordance with the law")**

Article 8 requires that the interference is "in accordance with the law". This details of this notion – and the "quality of law" requirement in particular – have been developed through the Court's case law.

*Leander v. Sweden:*[12]

> *"…the interference must have some basis in domestic law. Compliance with domestic law, however, does not suffice: the law in question must be accessible to the individual concerned and its consequences for him must also be foreseeable."* (para 50)

> *"the law has to be sufficiently clear in its terms to give them an adequate indication as to the circumstances in which and the conditions on which the public authorities are empowered to resort to this kind of secret and potentially dangerous interference with private life."* (para 51)

> *"In addition, where the implementation of the law consists of secret measures, not open to scrutiny by the individuals concerned or by the public at large, the law itself, as opposed to the accompanying administrative practice, must indicate the scope of any discretion conferred on the competent authority with sufficient clarity, having regard to the*

[3] *S. and Marper v. the United Kingdom,* (Apps. nos. 30562/04 and 30566/04) (Judgment, Grand Chamber, 4 December 2008).
[4] *Klass and Others v. Germany* (App. no. 5029/71) (Judgment, Plenary, 6 September 1978).
[5] *S. and Marper v. the United Kingdom,* (Apps. nos. 30562/04 and 30566/04) (Judgment, Grand Chamber, 4 December 2008).
[6] *S. and Marper v. the United Kingdom,* (Apps. nos. 30562/04 and 30566/04) (Judgment, Grand Chamber, 4 December 2008).
[7] *Roman Zakharov v. Russia* (App. no. 47143/06) (Judgment, Grand Chamber, 4 December 2015).
[8] *Uzun v. Germany* (App. no. 35623/05) (Judgment, Chamber (Fifth Section), 2 September 2010).
[9] *L.H. v. Latvia* (App. no. 52019/07) (Judgment, Chamber (Fourth Section), 29 April 2014).
[10] *Bărbulescu v. Romania* (App. no. 61496/08) (Judgment, Grand Chamber, 5 September 2017).
[11] *P.G. and J.H. v. the United Kingdom* (App. no. 44787/98) (Judgment, Chamber (Third Section), 25 September 2001).
[12] *Leander v. Sweden,* (App. no. 9248/81) (Judgment (Merits), Grand Chamber, 26 March 1987).

*legitimate aim of the measure in question, to give the individual adequate protection against arbitrary interference."* (para 51 continued)

*Ammann v. Switzerland:*[13]

*"the expression "in accordance with the law" not only requires that the impugned measure should have some basis in domestic law, but also refers to the quality of the law in question, requiring that it should be accessible to the person concerned and foreseeable as to its effects"* (para 50)

*"a rule is "foreseeable" if it is formulated with sufficient precision to enable any individual – if need be with appropriate advice – to regulate his conduct"* (para 56)

*Malone v. the United Kingdom:*[14]

*"the phrase "in accordance with the law" does not merely refer back to domestic law but also relates to the quality of the law, requiring it to be compatible with the rule of law, which is expressly mentioned in the preamble to the Convention. […] The phrase thus implies - and this follows from the object and purpose of Article 8 (art. 8) - that there must be a measure of legal protection in domestic law against arbitrary interferences by public authorities with the rights safeguarded by paragraph 1 (art. 8-1)..."* (para 67).

*Shimovolos v. Russia:*[15]

*"The Court reiterates in this connection that in the special context of secret measures of surveillance the above requirements cannot mean that an individual should be able to foresee when the authorities are likely to resort to secret surveillance so that he can adapt his conduct accordingly. However, especially where a power vested in the executive is exercised in secret, the risks of arbitrariness are evident. It is therefore essential to have clear, detailed rules on the application of secret measures of surveillance, especially as the technology available for use is continually becoming more sophisticated. The law must be sufficiently clear in its terms to give citizens an adequate indication of the conditions and circumstances in which the authorities are empowered to resort to any measures of secret surveillance and collection of data. In addition, because of the lack of public scrutiny and the risk of abuse intrinsic to any system of secret surveillance, the following minimum safeguards should be set out in statute law to avoid abuses: the nature, scope and duration of the possible measures, the grounds required for ordering them, the authorities competent to permit, carry out and supervise them, and the kind of remedy provided by the national law".* (para 68)

In this case, a human rights activist had been added to a surveillance database that had tracked his movements within Russia and noted his arrest. The Court found a violation of Article 8 on the ground of legality, as the database had been created and maintained on the sole basis of a ministerial order which was unavailable to the public. The domestic law was unavailable, and its consequences unforeseeable; the domestic law therefore fell short of the 'quality of law' requirement.

*Rotaru v. Romania:*[16]

In *Rotaru v. Romania,* the domestic regime was found to lack the requisite level of foreseeability as it provided no means for disclosing or disputing the collected and stored data. The Romanian legislation did not specify which information could be processed, whose data could be processed, the circumstances in which they could be processed, or what procedure was to be followed. The Court therefore found a violation of Article 8 on the ground of legality.

[13] *Ammann v. Switzerland* (App. no. 27798/95) (Judgment, Grand Chamber, 16 February 2000).
[14] *Malone v. the United Kingdom* (App. no. 8691/79) (Judgment, Court (Plenary), 2 August 1984).
[15] *Shimovolos v. Russia*, (App. no. 30194/09) (Judgment, Chamber (First Section), 21 June 2011).
[16] *Rotaru v. Romania* (App. no. 28341/95) (Judgment, Grand Chamber, 4 May 2000).

*M.M. v. the United Kingdom:*[17]

In *M.M.,* the domestic regime was held to lack a *"clear legislative framework*" for data collection and storage:

> *"the Court highlights the absence of a clear legislative framework for the collection and storage of data, and the lack of clarity as to the scope, extent and restrictions of the common law powers of the police to retain and disclose caution data. It further refers to the absence of any mechanism for independent review of a decision to retain or disclose data, either under common law police powers or pursuant to Part V of the 1997 Act. Finally, the Court notes the limited filtering arrangements in respect of disclosures made under the provisions of the 1997 Act: as regards mandatory disclosure under section 113A, no distinction is made on the basis of the nature of the offence, the disposal in the case, the time which has elapsed since the offence took place or the relevance of the data to the employment sought."*

*Perry v. the United Kingdom:*[18]

In this case, UK police covertly videotaped a criminal suspect for identification purposes while at a police station. The Court found a violation of Article 8 as the applicant could have had no expectation that the video footage would be used for identification purposes or as evidence at trial. The interference was deemed not to be in accordance with the law as this practice went beyond what was set out in the applicable policing code.

*Kruslin v. France:*[19]

In this case, the Court again found a violation of Article 8 on the ground of legality. Here, an investigating judge had authorised telephone tapping without a clear legal basis. It was found that the applicant had not enjoyed *"the minimum degree of protection to which citizens are entitled under the rule of law in a democratic society"* (para 36). In this case, (as in *L.H. v. Latvia* and *Dragojevic v. Croatia,* amongst others) the finding of non-compliance with the legality requirement centred on the fact that the legal basis invoked did not adequately delimit the scope of the authorities' discretion in exercising the legal right in question.

*Roman Zakharov v. Russia:*[20]

In this case, concerning the secret interception of telephone communications, the Court found that the Russian regime violated Article 8. This Court was not convinced that the relevant legal provisions offered *"adequate and effective guarantees against arbitrariness"* (para 285).

**(3) Legitimacy (that the interference pursues a legitimate aim)**

*Article 8(2):*

Article 8(2) ECHR provides an exhaustive list of grounds on which interferences may be justified:

> *"…national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."*

*Uzun v. Germany:*[21]

[17] *M.M. v. the United Kingdom* (App. no. 24029/07) (Judgment, Chamber (Fourth Section), 13 November 2012).
[18] *Perry v. the United Kingdom* (App. no. 63737/00) (Judgment, Chamber (Third Section), 17 July 2003).
[19] *Kruslin v. France* (App. no. 11801/85) (Judgment, Chamber, 24 April 1990).
[20] *Roman Zakharov v. Russia* (App. no. 47143/06) (Judgment, Grand Chamber, 4 December 2015).
[21] *Uzun v. Germany* (App. no. 35623/05) (Judgment, Chamber (Fifth Section), 2 September 2010).

In the Court's 2010 *Uzun v. Germany* judgment, the Court found GPS-based surveillance of a terror suspect to be justified on four of the five possible grounds listed in Article 8. Finding no violation of Article 8, the Court accepted that the interference with the applicant's Article 8 rights *"served the interests of national security, public safety, the prevention of crime and the protection of the rights of others"* (para 77).

**(4) Proportionality (that the interference is "necessary in a democratic society")**

*Leander v. Sweden:*[22]

*"The notion of necessity implies that the interference corresponds to a pressing social need and, in particular, that it is proportionate to the legitimate aim pursued…"* (para 58).

*Silver v. the United Kingdom:*[23]

In this case, the Court established the following four "general principles" (a-d, below) on the interpretation of the "necessary in a democratic society" test:

*"(a) the adjective "necessary" is not synonymous with "indispensable", neither has it the flexibility of such expressions as "admissible", "ordinary", "useful", "reasonable" or "desirable";*

Here, the Court affirms that necessity is to be interpreted strictly and cannot be substituted for the other terms listed above.

*(b) the Contracting States enjoy a certain but not unlimited margin of appreciation in the matter of the imposition of restrictions, but it is for the Court to give the final ruling on whether they are compatible with the Convention;*

Here, the Court refers to the "margin of appreciation" afforded to states. Although the Convention does not (currently) make explicit reference to this concept, it is a long-standing staple of the Court's case law and will be added to the Convention's preamble when Protocol 15 comes into force. In essence, it refers to the right of the contracting state to exercise discretion over when and how to enforce Convention rights, subject to the Court's supervision. This width of this 'margin' varies greatly. For example, the state is afforded a wide margin on matters concerning national security but enjoys no margin at all in cases of cruel, inhuman and degrading treatment. The classic formulation of the doctrine comes from the *Handyside*[24] case, which concerned Article 10 but is equally applicable to Article 8:

*"it is not possible to find in the domestic law of the various Contracting States a uniform European conception of morals. The view taken by their respective laws of the requirements of morals varies from time to time and from place to place, especially in our era which is characterised by a rapid and far-reaching evolution of opinions on the subject. By reason of their direct and continuous contact with the vital forces of their countries, State authorities are in principle in a better position than the international judge to give an opinion on the exact content of these requirements as well as on the "necessity" of a "restriction" or "penalty" intended to meet them. […] it is for the national authorities to make the initial assessment of the reality of the pressing social need implied by the notion of "necessity" in this context."* (para 48).

The Court then noted that this *"does not give the Contracting States an unlimited power of appreciation. The Court, which, with the Commission, is responsible for ensuring the observance of those States' engagements (Article 19) (art. 19), is empowered to give the final ruling on whether a "restriction" or "penalty" is reconcilable with freedom of expression as protected by Article 10 (art. 10). The domestic margin of appreciation thus goes hand in hand with*

[22] *Leander v. Sweden,* (App. no. 9248/81) (Judgment (Merits), Grand Chamber, 26 March 1987).
[23] *Silver v. the United Kingdom* (Apps. nos. 5947/72; 6205/73; 7052/75; 7061/75; 7107/75; 7113/75; 7136/75) (Judgment, Chamber, 25 March 1983).
[24] *Handyside v. the United Kingdom* (App. no. 5493/72) (Judgment, Court (Plenary), 7 December 1976).

*a European supervision. Such supervision concerns both the aim of the measure challenged and its "necessity"; it covers not only the basic legislation but also the decision applying it, even one given by an independent court.*" (para 49).

For further discussion of the margin of appreciation, see the monographs listed in the 'further reading' section below.

*(c) the phrase "necessary in a democratic society" means that, to be compatible with the Convention, the interference must, inter alia, correspond to a "pressing social need" and be "proportionate to the legitimate aim pursued";*

This passage notes that 'necessity in a democratic society' is often assessed in the language of proportionality – specifically that the interference is proportionate to the 'pressing social need' or legitimate aim that it pursues. See the case law below on this assessment.

*(d) those paragraphs of Articles of the Convention which provide for an exception to a right guaranteed are to be narrowly interpreted."* (para 97).

Here, the Court notes that, despite the margin of appreciation afforded to states, exceptions to Convention rights are to be interpreted narrowly.

*S. and Marper v. the United Kingdom:*[25]

In this case, the Court found a violation of Article 8 where the applicants' fingerprints, cell samples and DNA profiles were retained indefinitely, even after criminal proceedings against them had ended without conviction. The Court took the position that the continued retention of this personal data was not 'necessary in a democratic society' and therefore constituted a disproportionate interference with Article 8.

*B.B. v. France:*[26]

By contrast, *B.B. v. France* saw the Court found that data retention to be proportionate to the legitimate aim of preventing crime (and thus did not violate Article 8) where it was retained for a maximum of 30 years. This case concerned a national sex offenders database, as the Court took account of the state's interest in preventing potential reoffender incidents, alongside the fact that the regime was subject to confidentiality and restricted set of uses.

*Klass v. Germany:*[27]

In this case, five German lawyers complained about legislation that provided for the monitoring of their correspondence and telephone communications. The Court found no violation of Article 8 as it re-emphasised the state's margin of appreciation in matters concerning national security. It underlined that, while the Convention only permits measures which are 'strictly necessary for safeguarding democratic institutions', those institutions face a growing range of threats that require more invasive means of prevention. This is arguably even more salient now than it was when the judgment was delivered in 1978.

*Bărbulescu v. Romania:*[28]

[25] *S. and Marper v. the United Kingdom,* (Apps. nos. 30562/04 and 30566/04) (Judgment, Grand Chamber, 4 December 2008).
[26] *B.B. v. France, Gardel v. France and M.B. v. France* (Apps. nos. 5335/06 and 22115/06) (Judgment, Chamber (Fifth Section), 17 December 2009).
[27] *Klass and Others v. Germany* (App. no. 5029/71) (Judgment, Plenary, 6 September 1978).
[28] *Bărbulescu v. Romania* (App. no. 61496/08) (Judgment, Grand Chamber, 5 September 2017).

Beyond direct interferences by the state, this case affirmed that the state is obliged to provide adequate legal protection against private interferences with Article 8. This case concerned a private company's surveillance of its employees, including the applicant. The domestic courts failed to find a breach of the applicant's privacy, leading the Grand Chamber to find a violation of Article 8 by eleven votes to six. The Court concluded that *"the domestic authorities did not afford adequate protection of the applicant's right to respect for his private life and correspondence and that they consequently failed to strike a fair balance between the interests at stake"* (para 141).

**Recent Development 1: Data Retention**

*Catt v. the United Kingdom:*[29]

In this January 2019 judgment, the applicant, who was over 90 years old, had a long history of attending non-violent protests. He alleged a violation of Article 8 on the basis that the police held video recordings of him attending these protests on a domestic extremism database. The applicant had no criminal record or history of violence, yet the police continued to hold material that disclosed his political affiliation. The Court held that while the collection of the data had been necessary, the indefinite retention of that collected data was disproportionate.

*Gaughran v. the United Kingdom:*[30]

This case was brought by an applicant whose personal data (in this case, a DNA profile, fingerprints and a photograph) was subject to indefinite retention. In contrast with the application in *Catt,* he had a spent conviction for drink-driving in Northern Ireland. The Court found a violation of Article 8, holding that the indefinite retention of this data overstepped the margin of appreciation afforded to national authorities. The Court specifically criticised the national authorities for not having assessed the necessity of the continued retention, the seriousness of the offence or the possibility of review (paras 87-88).

*Peruzzo and Martens v. Germany:*[31]

In contrast, this application was filed by two convicted criminals whose DNA profiles were subject to a possible retention period of ten years for identification purposes in future criminal proceedings. The applicants, who had been repeatedly convicted of offences that were drug-related (in the case of the first applicant) and violent (in the case of the second applicant). The Court deemed the application inadmissible on the basis that it was manifestly ill-founded.

*Questions for Reflection:*

For how long should data be retained?

In which circumstances would the indefinite or lifelong retention of data be proportionate?

Does a criminal conviction automatically extend the maximum duration of data retention? Should it?

To what extent does this depend on the nature of the data in question? Should certain types of data be retained more than others?

[29] *Catt v. the United Kingdom* (App. no. 43514/15) (Judgment, Chamber (First Section), 24 January 2019).
[30] *Gaughran v. the United Kingdom* (App. no. 45245/15) (Judgment, Chamber (First Section), 13 February 2020).
[31] *Peruzzo and Martens v. Germany* (Apps. nos. 7841/08 and 57900/12) (Admissibility Decision, Chamber (Fifth Section), 4 June 2013).

What role do potential interferences with other freedoms (Article 9 on freedom of conscience, Article 10 on freedom of expression, Article 11 on political association and assembly) play in determining the proportionality of data retention?

Is an absolute rule (for example, a maximum duration for data retention) preferable to a proportionality-based approach to data retention? Is there a hybrid approach that could work?

**Recent Development 2: Mass Surveillance Regimes**

*Big Brother Watch and Others v. the United Kingdom:*[32]

This application, brought by a group of British NGOs, complained that the United Kingdom's bulk interception and intelligence sharing regimes violated Article 8. The Court held that bulk interception of data did not violate Article 8 *per se* but found that the UK's means of selecting relevant material from intercepted data lacked adequate safeguards. This was because the mass surveillance regime fulfilled neither the "quality of law" requirement nor was it proportionate to the legitimate aim in question. The Court found no violation, however, with respect to the UK's practice in sharing data with other governments, with the applicants having emphasised its intelligence links with the United States in that connection.

This case is not yet final. It was referred to the Grand Chamber of the Court on 4 February 2019 and a Grand Chamber hearing took place on 10 July 2019.

*Questions for Reflection:*

What measures could ensure compliance with Article 8 in the context of mass surveillance/bulk data interception? Should these be mandatory minimum requirements or interchangeable?

Does mass surveillance require greater and/or different safeguards or standards of protection from targeted individual surveillance?

**Recent Development 3: Tax Records**

*Casarini v. Italy:*[33]

In a case currently pending before the Court, *Casarini v. Italy,* the applicant alleges a violation of Article 8 concerning the Italian Taxpayers Information Service *(Servizio per le informazioni sul contribuente),* which allegedly lacks the required safeguards against abuse of access to personal data. The applicant, a political activist, had had his personal data extracted from the database by an officer of the Italian Revenue Police and leaked to a journalist. Both the officer and the journalist had been convicted of unauthorised access to the system and given suspended prison sentences.

*Questions for Reflection:*

Do different kinds of data require different standards of protection?

Are there any kinds of personal data that would not (or should not) engage Article 8?

**Further Reading**

On data protection:

European Court of Human Rights Press Unit, 'Factsheet: Personal Data Protection' (2021)

[32] *Big Brother Watch and Others v. the United Kingdom* (Apps. nos. 58170/13, 62322/14 and 24960/15) (Judgment, Chamber (First Section), 13 September 2018).

[33] *Casarini v. Italy* (no. 25578/11) (Communicated Case, Chamber (First Section), 8 February 2021).

European Union Agency for Fundamental Rights; and Council of Europe, 'Requirements for Justified Interference under the ECHR', Handbook on European Data Protection Law (2018)

Rainey B, McCormick P and Ovey C, 'The Collection, Storage, and Use of Personal Data', Jacobs, White and Ovey: The European Convention on Human Rights (OUP 2021)

On the margin of appreciation:

Arai-Takahashi Y, The Margin of Appreciation Doctrine and the Principle of Proportionality in the Jurisprudence of the ECHR (1st edn, Intersentia 2002)

Legg A, The Margin of Appreciation in International Human Rights Law (Oxford University Press 2012)

Letsas G, 'Two Concepts of the Margin of Appreciation' (2006) 26 OJLS 705

Yourow HC, The Margin of Appreciation Doctrine in the Dynamics of European Human Rights Jurisprudence (Martinus Nijhoff 1996)

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Bărbulescu v. Romania (App. no. 61496/08) (Judgment, Grand Chamber, 5 September 2017).

Big Brother Watch and Others v. the United Kingdom (Apps. nos. 58170/13, 62322/14 and 24960/15) (Judgment, Chamber (First Section), 13 September 2018).

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Handyside v. the United Kingdom (App. no. 5493/72) (Judgment, Court (Plenary), 7 December 1976).

Klass and Others v. Germany (App. no. 5029/71) (Judgment, Plenary, 6 September 1978).

Kruslin v. France (App. no. 11801/85) (Judgment, Chamber, 24 April 1990).

Leander v. Sweden, (Application No. 9248/81) (Judgment (Merits), Grand Chamber, 26 March 1987).

M.M. v. the United Kingdom (App. no. 24029/07) (Judgment, Chamber (Fourth Section), 13 November 2012).

Malone v. the United Kingdom (App. no. 8691/79) (Judgment, Court (Plenary), 2 August 1984).

P.G. and J.H. v. the United Kingdom (App. no. 44787/98) (Judgment, Chamber (Third Section), 25 September 2001)

Perry v. the United Kingdom (App. no. 63737/00) (Judgment, Chamber (Third Section), 17 July 2003).

Peruzzo and Martens v. Germany (Apps. nos. 7841/08 and 57900/12) (Admissibility Decision, Chamber (Fifth Section), 4 June 2013).

Roman Zakharov v. Russia (App. no. 47143/06) (Judgment, Grand Chamber, 4 December 2015).

Rotaru v. Romania (App. no. 28341/95) (Judgment, Grand Chamber, 4 May 2000).

S. and Marper v. the United Kingdom, (Applications Nos. 30562/04 and 30566/04) (Judgment, Grand Chamber, 4 December 2008).

Shimovolos v. Russia, (Application no. 30194/09) (Judgment, Chamber (First Section), 21 June 2011).

Silver v. the United Kingdom (Apps. nos. 5947/72; 6205/73; 7052/75; 7061/75; 7107/75; 7113/75; 7136/75) (Judgment, Chamber, 25 March 1983).

Sunday Times v. the United Kingdom, (Application no. 6538/74) (Judgment, Chamber, 26 April 1979).

Uzun v. Germany (App. no. 35623/05) (Judgment, Chamber (Fifth Section), 2 September 2010).