

**Responsible Agencies on the
Georgia Mid-Term Report 2016-2018 - For Public Comment**

**Commitment of 112 Georgia: Introduction of a Mobile App as an Alternative Channel to
Connect to “112” – Status Update as of May, 2018**

Within the frames of commitment taken by the Emergency Response Center 112, Ministry of Internal Affairs of Georgia, 112 has developed and launched mobile application, which enables the user to send SOS alarm to 112 PSAP by one click. Simultaneously, the application sends alarm sender location to PSAP, in addition to enabling the call taker to chat with the call initiator. Application was launched in February, 2018. Application is available in Georgian, English and Russian languages and is compatible with Android and iOS platforms. As of today (07.05.2018; 13:00) application has been downloaded 11,903 times and the number of the users grows on hourly basis. Since launching, 600 persons have used the mobile application so far.

In compliance to IRM recommendations, 112 team actively works towards incorporating number of tools that could potentially enhance application in the following directions: (1) access to information (2) civic participation, as well as (3) ensuring accessibility for wider range of users.¹

With this aim, 112 plans to introduce the following advancements of 112 Mobile Applications:

- **To add important information section, useful for victims of domestic violence** – Feature will contain the hotline numbers of organizations working on domestic violence and women issues, links to the relevant legislation, mapping of Women’s Right protecting organizations in Tbilisi and the regions, contact information of the Crisis Center, etc.
- **To add the service feedback feature** – this feature can advance the performance level of 112 call takers and will be substantial assistance for refining 112 services. Nowadays 112 focuses on adding the feedback module to application. All incoming comments will be accessed by relevant 112 services.
- **To adapt the application for the visually impaired users** – this feature includes adapting the application for those with low vision as well as for the sight impaired. For people with low vision, application needs to support the Dynamic Type (which allows the user the change the size of the text in the smartphone), as well as implement a night or dark mode. This is especially useful for the part of the application, where the important information will be placed. It’s much easier for low-vision users to read light text on a dark background than the traditional dark text on a light background. As for the sight impaired users, it is important to make sure that application is compatible with screen reading tool, like Apple’s VoiceOver or Android’s TalkBack.
- **To enable users to send images** – this feature will be especially useful for providing better description of the situation.

¹ https://www.opengovpartnership.org/sites/default/files/Georgia_MidTerm_Report_2016-2018_EN_for_public-comment.pdf

It is anticipated that the relevant enhancements will be enforced by the end of 2018. 112 team has already commenced partnership negotiations with UN Women and GeoLab. Proposed enhancements will address the commitments taken by 112 Georgia within the frames of the OGP initiative, as well as needs of the victims of domestic violence.

Commitment 3. Introduction of electronic licensing system in the field of natural resources

In December 2017, according to the amended law "On the Structure, Powers and functions of Government" the functions of the Ministry of Environment and Natural Resources Protection regarding the mining were transferred to the Ministry of Economy And Sustainable Development. And in order to fulfil the above stated obligations the LEPL National Agency of Mines was established under the system of the MoESD. Soon after the establishment, the National Agency of Mines actively started working for enabling the electronic software for licensing and at the moment there is already enabled web-site - nam.rs.ge on the basis of the Revenue Service web site, where a license seeker can through the application require announcement of the auction for the purpose of exploitation of the mineral resource, without actually coming to the office, as well as can perform all the processes related to the licensing, including the submission of the development plan and statistical forms, to the Agency. The web-site has also the function to notify the applicant on the current news via the text messages. The mentioned web-site is permanently updated by the licensing authority and is the source of information, where there is the complete information on the license holder persons and companies, licensing territories (district, populated area), including the indication of the name of the mineral resource, quantity, units of measurement and license period. The user, using its unique code, controls Information, from anywhere, in their own application. This portal fully responds to OGP's third commitment of 2016-2017 concerning the obligation to establish the electronic system of licensing of the mineral resources.

Commitment N10 - Establishing unified regulations to publish court decisions

1) In the context of deviation from the uniform standard of publication of court decisions for high public interest cases, we should note that this issue is in the framework of the Law of Georgia "On Personal Data Protection". In particular, according to Article 2 of this Law, special categories of data represent data connected to a person's racial or ethnic origin, political views, religious or philosophical beliefs, membership of professional organizations, state of health, sexual life, criminal history, administrative detention, putting a person under restraint, plea bargains, abatement, recognition as a victim of crime or as a person affected, also biometric and genetic data, that allow to identify a natural person by the above features. In addition, according to Article 6 of the same Law declares, that special category data processing shall be prohibited. Also, according to this article, processing of such data shall be possible with written consent of a data subject or in relevant cases determined by law. Even in this case, it shall be prohibited to make the data publicly available and to disclose the data to a third party without the consent of the data subject.

In this context, it is noteworthy that the Constitutional Court of Georgia has received constitutional claims for merits on December 22, 2016 of the Media Development Foundation (Constitutional claim No. 693) and the Institute for Development of Freedom of Information (Constitutional claim No. 857) against the Parliament of Georgia. The authors of the constitutional claims of №693 and №857 request the recognition of the norms of the Law of Georgia on the “General Administrative Code” and the Law of Georgia “On Personal Data Protection” as unconstitutional, which establishes the rules and principles of public information nondisclosure containing personal data.

According to the claimants, they find it problematic, that due to disputed norms, upon request of judicial act, information containing personal data is encrypted. In their opinion, the necessity of covering the information contained in these data is to be assessed in each case in the light of individual circumstances. The claimants believe, that there is no legitimate interest to cover the personal data provided in the case, which was discussed in the open court hearing. Taking into consideration all the above, claimants think that the rule established by the disputed norms contradicts the right to have access to information stored in state institutions, which is enshrined by Article 41 (1) of the Constitution of Georgia.

The merits of the case is considered by the First Collegium of the Constitutional Court of Georgia.

Due to all the above mentioned, publication of decisions/judgments made on the criminal cases of high public interest is impossible without covering the relevant personal data in it. Furthermore, with regard to the mentioned norms, future decision of the Constitutional Court should be taken into consideration.

2) The issue of disclosure of personal information of legal persons (organizations) participating in the court disputes, is regulated by the Rule of High Council of Justice of Georgia, approved on September 12, 2016. Under Article 45 of the Constitution of Georgia, “the fundamental human rights and freedoms referred to in the Constitution, in terms of the context thereof, shall apply to legal persons as well.” Consequently, personal information of legal entities is regulated by the above mentioned Rule similar to physical persons.

3) The Supreme Court annually publishes statistical data about the criminal cases (including the data about delivering judgment) of all general courts in the Statistical block of the website. At the same time, it will be possible to determine the average timeframe for hearing the criminal cases and to conduct relevant statistics.

Commitment N13 – Publication of phone tapping data according to the nature of crime and geographical area

1) The Supreme Court has taken into consideration the IRM's recommendations concerning the implementation of the commitments of 2016-2017 action plan, and the statistical data on phone tapping by the nature of crime and by courts are already being uploaded on the website of the Supreme Court in Excel format, since October 2017. Currently, it is published the annual data of 2017 and the first quarter of 2018.

2) Considering that not every motion on phone tapping contain information about the person (date of birth, occupancy, etc.), at this stage it is impossible to obtain detailed information and especially, to carry out any statistics.

3) The Supreme Court will take into account the recommendations of the IRM and at the end of each year will publish the information on the destruction of the recordings of telephone conversations, especially, that the information on the destruction of the materials of the secret investigative measures are published on the website annually. The information contained in the report about the destruction of the material of the secret investigative activities by 2016 concerned only the Tbilisi City Court. In 2017, other city / district courts were added.

4) Annual statistical data on phone tapping are placed on the Supreme Court website in the statistics bloc sorted yearly. For assessing trends, it is possible to archive quarterly statistical data on phone tapping.