

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

Please note that this form will work correctly only with Adobe Reader 9
Upwards (download available from www.adobe.com).
Please save a copy of this form locally before filling it in using Adobe
Reader, then print it and post it to the Court.

NG - 2014/1

Application Form

About this application form

This application form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the Notes for filling in the application form. Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) provides that: "All of the information referred to in paragraph 1 (d) to (f) [statement of facts, alleged violations and information about compliance with the admissibility criteria] that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document."

Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below:

Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below:

A. The applicant (Individual)

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to Section B.

1. Surname

2. First name(s)

3. Date of birth

D	D	M	M	Y	Y	Y	Y	e.g. 27/09/2012	

4. Nationality

5. Address

6. Telephone (including international dialling code)

7. Email (if any)

8. Sex

- male
 female

B. The applicant (Organisation)

This section should only be filled in where the applicant is a company, NGO, association or other legal entity.

9. Name

Privacy International

10. Identification number (if any)

Charity number 1147471

11. Date of registration or incorporation (if any)

28	05	20	12						
D	D	M	M	Y	Y	Y	Y	e.g. 27/09/2012	

12. Activity

NGO

13. Registered address

62 Britton St
Clerkenwell EC1M 5UY
London UK

14. Telephone (including international dialling code)

+44 (0) 2034 2243 21

15. Email

carly@privacyinternational.org

Reset form

<p>C. Representative(s) of the applicant If the applicant is not represented, go to Section D.</p>	
<p>Non-lawyer/Organisation official Please fill in this part of the form if you are representing an applicant but <i>are not a lawyer</i>. In the box below, explain in what capacity you are representing the applicant or state your relationship or official function where you are representing an organisation.</p> <p>16. Capacity / relationship / function <input type="text"/></p> <p>17. Surname <input type="text"/></p> <p>18. First name(s) <input type="text"/></p> <p>19. Nationality <input type="text"/></p> <p>20. Address <input type="text"/></p> <p>21. Telephone (including international dialling code) <input type="text"/></p> <p>22. Fax <input type="text"/></p> <p>23. Email <input type="text"/></p>	<p>Lawyer Please fill in this part of the form if you are representing the applicant <i>as a lawyer</i>.</p> <p>24. Surname <input type="text" value="Curling"/></p> <p>25. First name(s) <input type="text" value="Rosa"/></p> <p>26. Nationality <input type="text" value="British"/></p> <p>27. Address <input type="text" value="C/O Leigh Day
Priory House
25 St John's Lane
London
EC1M 4LB"/></p> <p>28. Telephone (including international dialling code) <input type="text" value="00442076501200"/></p> <p>29. Fax <input type="text" value="02072534433"/></p> <p>30. Email <input type="text" value="rcurling@leighday.co.uk"/></p>

Authority
The applicant must authorise any representative to act on his or her behalf by signing the authorisation below (see the Notes for filling in the application form).
I hereby authorise the person indicated to represent me in the proceedings before the European Court of Human Rights, concerning my application lodged under Article 34 of the Convention.

<p>31. Signature of applicant <input type="text" value="G. Lytton"/> on behalf of Privacy International</p>	<p>32. Date <table border="1"> <tr> <td>0</td><td>1</td><td>0</td><td>9</td><td>2</td><td>0</td><td>1</td><td>4</td> </tr> <tr> <td>D</td><td>D</td><td>M</td><td>M</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td> </tr> </table> e.g. 27/09/2012</p>	0	1	0	9	2	0	1	4	D	D	M	M	Y	Y	Y	Y
0	1	0	9	2	0	1	4										
D	D	M	M	Y	Y	Y	Y										

D. State(s) against which the application is directed

33. Tick the name(s) of the State(s) against which the application is directed

- | | |
|--|--|
| <input type="checkbox"/> ALB - Albania | <input type="checkbox"/> ITA - Italy |
| <input type="checkbox"/> AND - Andorra | <input type="checkbox"/> LIE - Liechtenstein |
| <input type="checkbox"/> ARM - Armenia | <input type="checkbox"/> LTU - Lithuania |
| <input type="checkbox"/> AUT - Austria | <input type="checkbox"/> LUX - Luxembourg |
| <input type="checkbox"/> AZE - Azerbaijan | <input type="checkbox"/> LVA - Latvia |
| <input type="checkbox"/> BEL - Belgium | <input type="checkbox"/> MCO - Monaco |
| <input type="checkbox"/> BGR - Bulgaria | <input type="checkbox"/> MDA - Republic of Moldova |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - "The former Yugoslav Republic of Macedonia" |
| <input type="checkbox"/> CHE - Switzerland | <input type="checkbox"/> MLT - Malta |
| <input type="checkbox"/> CYP - Cyprus | <input type="checkbox"/> MNE - Montenegro |
| <input type="checkbox"/> CZE - Czech Republic | <input type="checkbox"/> NLD - Netherlands |
| <input type="checkbox"/> DEU - Germany | <input type="checkbox"/> NOR - Norway |
| <input type="checkbox"/> DNK - Denmark | <input type="checkbox"/> POL - Poland |
| <input type="checkbox"/> ESP - Spain | <input type="checkbox"/> PRT - Portugal |
| <input type="checkbox"/> EST - Estonia | <input type="checkbox"/> ROU - Romania |
| <input type="checkbox"/> FIN - Finland | <input type="checkbox"/> RUS - Russian Federation |
| <input type="checkbox"/> FRA - France | <input type="checkbox"/> SMR - San Marino |
| <input checked="" type="checkbox"/> GBR - United Kingdom | <input type="checkbox"/> SRB - Serbia |
| <input type="checkbox"/> GEO - Georgia | <input type="checkbox"/> SVK - Slovak Republic |
| <input type="checkbox"/> GRC - Greece | <input type="checkbox"/> SVN - Slovenia |
| <input type="checkbox"/> HRV - Croatia | <input type="checkbox"/> SWE - Sweden |
| <input type="checkbox"/> HUN - Hungary | <input type="checkbox"/> TUR - Turkey |
| <input type="checkbox"/> IRL - Ireland | <input type="checkbox"/> UKR - Ukraine |
| <input type="checkbox"/> ISL - Iceland | |

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Subject matter of the application

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E, F, and G.) (Rule 47 § 2 (a)). The applicant may supplement this information by appending further details to the application form. Such additional explanations must not exceed 20 pages (Rule 47 § 2 (b)); this page limit does not include copies of accompanying documents and decisions.

E. Statement of the facts

34.

Privacy International is a UK registered charity that plays an important 'watchdog' role, especially in relation to the surveillance and other privacy issues arising from the work of the Government Communications Headquarters (GCHQ), an intelligence service of the United Kingdom Government.

On 4 March 2014, Privacy International requested information from GCHQ in a legitimate effort to gather information of public interest with the intention of, inter alia, imparting that information to the public and contributing to public debate.

On 4 March 2014, GCHQ refused to provide the requested information as it was not required to do so. It is excluded from the regime of the Freedom of Information Act 2000 (FOIA). A FOIA request to any other public authority supplied with the requested information by GCHQ also could not have led to its disclosure. The public authority would have been absolutely prevented by the terms of FOIA from disclosing it to Privacy International, irrespective of the content of the requested information. There is no other practicable mechanism for Privacy International to obtain the requested information.

The refusal of Privacy International's request for information was as a result of a legislative scheme that made no provision for the disclosure of such information. There was with no consideration by GCHQ as to whether the refusal was necessary in a democratic society.

These facts are fully set out in an attached document. See attached 'Submissions of the Applicant to Accompany their Application Form', section titled "STATEMENT OF THE FACTS [BOX E]".

Statement of the facts (continued)

35.

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Statement of the facts (continued)

36.

[The body of the page contains a large rectangular area with a dotted grid pattern, intended for the applicant to provide a detailed statement of facts. This area is currently blank.]

F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments

37. Article invoked
Article 10(1)

Explanation
In the circumstances, there was an interference with the Privacy International's freedom to receive information that was not necessary in a democratic society.

Article 13

There is no effective domestic remedy capable of dealing with the substance of the alleged violation of Privacy International's rights, nor is appropriate relief available.

The alleged violations of the convention and relevant arguments are fully set out in an attached document. See attached 'Submissions of the Applicant to Accompany their Application Form', section titled "STATEMENT OF ALLEGED VIOLATIONS OF THE CONVENTION AND RELEVANT ARGUMENTS" [Box F].

G. For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the six-month time-limit.

38. Complaint
Articles 10(1) and 13

Information about remedies used and the date of the final decision
The date of the final decision was 4 March 2014, when the Head of Information Rights at GCHQ replied by email on 4 March 2014 at 16:36, noting their decision to refuse the request for information from Privacy International.

As GCHQ is excluded from the FOIA scheme, there was no appeal or other remedy against the refusal decision available to the Claimant.

39. Is or was there an appeal or remedy available to you which you have not used? Yes
 No

40. If you answered Yes above, please state which appeal or remedy you have not used and explain why not.

[Large empty box with horizontal lines for writing]

H. Information concerning other international proceedings (if any)

41. Have you raised any of these complaints in another procedure of international investigation or settlement? Yes
 No

42. If you answered Yes above, please give a concise summary of the procedure (complaints submitted, name of the international body and date and nature of any decisions given).

[Large empty box with horizontal lines for writing]

43. Do you (the applicant) currently have, or have you previously had, any other applications before the Court? Yes
 No

44. If you answered Yes above, please write the relevant application number(s) in the box below.

[Empty box for writing application numbers]

I. List of accompanying documents

You should enclose full and legible copies of all documents.

No documents will be returned to you. It is thus in your interests to submit copies, not originals.

You MUST:

- arrange the documents in order by date and by procedure;
- number the pages consecutively;
- NOT staple, bind or tape the documents.

45. In the box below, please list the documents in chronological order with a concise description.

1. Page 1: Eyes Wide Open: Special Report, Privacy International, Version 1.0, 26 November 2013
2. Page 43: FOIA request, Privacy International to GCHQ, 4 March 2014
3. Page 46: GCHQ Response, Freedom of Information Request, 4 March 2014
4. Page 48: Leander v Sweden, Application No. 9248:81, (1987) 9 E.H.H.R 434
5. Page 79: Gaskin v United Kingdom, Application No. 10454:83, (1990) 12 E.H.R.R. 36
6. Page 99: Intelligence Services Act 1994
7. Page 119: Vereinigung Demokratischer Soldaten Österreichs and Gubi v Austria, Application No
8. Page 153: Guerra v Italy, Application No. 14967:89, (1998) 26 E.H.R.R. 357
9. Page 186: Ceylan v. Turkey, Application No.25556:94 (2000) 30 E.H.R.R. 73
10. Page 210: Freedom of Information Act 2000 c. 36 (Selected Provisions)
11. Page 283: Shapovalov v. Ukraine, Application No. 45835:05 (unreported) given 31 July 2012
12. Page 300: Steel and Morris v United Kingdom, Application No. 68416:01 (2005) 41 E.H.R.R. 22
13. Page 338: Roche v United Kingdom, Application No. 32555:96, (2006) 42 E.H.R.R. 30
14. Page 399: Rosianu v Romania, Application No 27329:06, unreported, judgment in French only
15. Page 419: Youth Initiative for Human Rights v. Serbia, Application No. 48135/06
16. Page 432: Österreichische Vereinigung zur Erhaltung, Stärkung und Schaffung v Austria, Applic
17. Page 453: Burden v United Kingdom, Application No, 13378:05 (2008) 47 EHRR 38
18. Page 481: Kenedi v. Hungary, Application No. 31475:05 (2009) 27 BHRC 335
19. Page 493: Társaság A Szabadságjogokért v Hungary, Application No.37374:05, (2009) 53 E.H.F
20. Page 504: Gillberg v Sweden, Application No. 41723:06, (2012) 34 BHRC 247
21. Page 534: Kennedy v Charity Commission [2014] UKSC [2014] 2 WLR
22. Page 619: 2014 - R (on the application of Privacy International) –and– The Commissioner for HI
- 23.
- 24.
- 25.

Any other comments

Do you have any other comments about your application?

46. Comments

Declaration and signature


I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

47. Date

0	3	0	9	2	0	1	4	e.g. 27/09/2012
D	D	M	M	Y	Y	Y	Y	

The applicant(s) or the applicant's representative(s) must sign in the box below.

48. Signature(s) Applicant(s) Representative(s) - tick as appropriate


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Confirmation of correspondent

If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond.

49. Name and address of Applicant Representative - tick as appropriate

The completed application form should be signed and sent by post to:

The Registrar
European Court of Human Rights
Council of Europe
67075 STRASBOURG CEDEX
FRANCE